LOK SABHA DEBATES

Second Series

VOLUME VIII

(11th November to 22nd November, 1957)

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THIRD
~~SECOND~~ SESSION, 1957

(Vol. VIII contains Nos., 1 to 10)

LOK SABHA SECRETARIAT
NEW DELHI

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N.B.—The sign + above the name of a Member on Questions which were orally answered indicates that the Question was actually asked on the floor of the House by that Member.

LOK SABHA

Tuesday, 19th November, 1957

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

प्रबन्ध में श्रमिकों का भाग लेना

*२३८ श्री विभूति मिश्र
श्री न० रा० मुनिस्वामी :
श्री कोडियान :

क्या श्रम और नियोजन मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार ने कारखानों के प्रबन्ध मे श्रमिको के भाग लेने को प्रोत्साहित करने के लिये विभिन्न राज्य सरकारों के पास कोई योजना भेजी है या उन्हे कोई निदेश दिये हैं ;

(ख) यदि हां, तो प्रत्येक राज्य में ऐसे कौन-कौन से कारखाने हैं जिनमे श्रमिकों को इस प्रकार की सुविधाये अब तक प्राप्त हो चुकी हैं ;

(ग) इस प्रकार के प्रबन्ध का उत्पादन पर क्या प्रभाव पड़ा है; और

(घ) इससे मालिक मजदूरों के सम्बन्धों मे कहां तक सुधार हुआ है?

श्रम और रोजगार तथा योजना मंत्री के सभा सचिव (श्री ल० ना० मिश्र) : (क) तथा (ख). कर्मचारियों को प्रबंध में शामिल करने के लिये नियुक्त की गई उप समिति ने सरकारी और ग़ैर-सरकारी क्षेत्रों के ५० कारखानों इत्यादि में एक योजना परीक्षण के रूप मे चालू करने की सिफारिश की है। इस काम के लिये केन्द्रीय मंत्रालयों, राज्य सरकारों और उद्योगपतियों के संघों से उद्योगों के नाम मांगे गये हैं।

(ग) तथा (घ). प्रश्न नहीं उठते।

Shri Kodiyan: It may be read in English also.

Shri L. N. Mishra: (a) and (b). The Sub-Committee on Workers Participation in Management has recommended the introduction of a scheme of participation on a trial basis in 50 industrial undertakings both in the public & private sector. Central Ministries, State Governments and employers' organisations have been requested to furnish names of units for this purpose.

(c) and (d). Does not arise.

श्री विभूति मिश्र : मैं जानना चाहता हूं कि क्या सरकार ने कोई सुनिश्चित योजना निर्धारित की है और समय निश्चित किया है कि इतने दिनों मे प्राइवेट सैक्टर और पब्लिक सैक्टर दोनों के प्रबन्ध मे मजदूरों को हक दिया जायगा ?

श्री ल० ना० मिश्र : इस सम्बन्ध मे एक कार्यक्रम बनाया गया है, जिस के अनुसार एक महीने के भीतर उन लोगों को नाम दे देना था और दिसम्बर महीने में एक छोटा सा सैमिनार एक हफ्ते के लिए चलाया जायगा। आशा है कि वर्ष के अन्त तक यह चीज चालू हो जायेगी।

श्री विभूति मिश्र : क्या सरकार प्राईवेट और पब्लिक सैक्टर दोनों को इस बारे में हाथ में ले रही है या प्राईवेट सैक्टर को ले लेगी और पब्लिक सैक्टर को छोड़ देगी या पब्लिक सैक्टर को ले लेगी या प्राईवेट सैक्टर को छोड़ देगी?

० मिश्र : दोनों सैक्टरों को लेगी। प्राईवेट और पब्लिक सैक्टर दोनों में इस योजना को चलाया जायगा।

Shri N. R. Munisamy: May I know whether any formula has been evolved for certain factories with a view to make the workers eligible for participation in the management?

Shri L. N. Mishra: Some definition was worked out by a sub-committee appointed by the Labour Conference and selection of industries is being based on that very formula.

Shri Kodiyan: What procedure do the Government propose to adopt in selecting the representatives of labour for participation in the management?

Shri L. N. Mishra: The labour union of the area has to give the names. The employers also have to give their names.

Shri S. M. Banerjee: May I know the ideals on which the labour is likery to be selected under this scheme?

Shri L. N. Mishra: I would refer the hon. Member to the proceedings of the Labour Conference where this matter was discussed regarding consultation. There are also the proceedings of the Sub-Committee wherein the ideals are stated on which labour is to be consulted.

Shri N. R. Munisamy: In the formula referred to, may I know whether there is any limitation about the investment of the firm or the number of workers?

The Deputy Minister of Labour (Shri Abid Ali): All the details were placed on the Table of the House on 29th May 1957. Hon. Member will find all particulars there.

Cosmic Ray Research Station

***239. Shri D. C. Sharma:** Will the **Prime Minister** be pleased to state the progress so far made with regard to the setting up of a Cosmic Ray Research Station at Gulmarg?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): Architects have been appointed for preparing drawings and designs and for working out the detailed cost of the base laboratory at Gulmarg. Arrangements are also being made for the survey of an aerial wire ropeway, which will connect the base and high level laboratories.

Shri D. C. Sharma: May I know the approximate time that will be taken for the completion of this laboratory?

Shri Jawaharlal Nehru: I can say that this matter has been dealt with by some Czechoslovakian engineers. They were to have come here in September this year. But, for some reason which I am not aware, they have not yet come here to give us help There is no point in their coming here now because in the winter season it is difficult to do anything in that high altitude. Presumably they will come in spring.

श्री भक्त दर्शन : क्या मे जान सकता हूं कि इस योजना पर कुल कितना खर्चा आने वाला है, और भारत सरकार उस को वहन करेगी या काश्मीर सरकार भी उस में हिस्सा बंटा रही है?

श्री जवाहर लाल नेहरू : इस सवाल का जवाब में पहले दे चुका था? यह खर्चा ठीक ठीक नही बताया जा सकता है, लेकिन ख्याल यह है कि गुलमर्ग मे जो बेस लैबारेटरी होगी, उस में दो लाख रुपए लगेंगे, खिलनमर्ग में भी दो लाख रुपए लगेंगे और रोप-रेलवे मे, जो कि शायद टंगमर्ग से गुलमर्ग, गुलमर्ग से खिलनमर्ग और खिलनमर्ग से ऊपर तक बनेगी, शायद नौ लाख रुपए लगेंगे। अन्दाजा यह है कि तेरह लाख रुपए लगेंगे। यह सिर्फ गवर्नमेंट आफ इंडिया की लैबारेटरीज वगैरह के लिए है, यह इस वक्त ठीक नहीं है, क्योंकि वे और कामों में भी आ सकती हैं और आयेंगी भी। टूरिस्ट भी आ सकते हैं। विंटर स्पोर्ट्स के लिए लोग आ सकते हैं। हालांकि असल काम यह होगा कि

लोगों को सरदी के जमाने में लैबारेटरीज मे ऊपर ले जा सके।

Shri Naushir Bharucha: In view of the fact that the Sputnik will be able to transmit enormous data on cosmic rays which the proposed research station will not ever be able to collect, is it the intention of the Government to reconsider the whole question in the light of this fact?

Shri Jawaharlal Nehru: No sir. Government has been unable to see the connection between the two.

Shri R. Ramanathan Chettiar: May I know the total cost of this research station?

Shri Jawaharlal Nehru: I have just replied to that. Anyhow, I will briefly state it. The exact cost is not known. But the estimates are: Rs. 2 lakhs for the base laboratory at Gulmarg, Rs. 2 lakhs or the higher altitude laboratory at Khilinmarg and about Rs. 9 lakhs for the ropeway

Shri Gajendra Prasad Sinha: In view of the fact that cosmic research is highly advanced in Russia, may I know whether the Government of India has requested any technical aid from Russia?

Shri Jawaharlal Nehru: For what?

Shri Gajendra Prasad Sinha: For establishment.

Shri Jawaharlal Nehru: No, Sir. We have asked for technical aid from nobody. We do not require any technical knowledge. We have got adequate number of scientists to do that sort of work.

Shri D. C. Sharma: Is it the plan of the Government to link up this laboratory ultimately with our national laboratories organisationally or operationally?

Shri Jawaharlal Nehru: Question of linking? We have different national laboratories for different purposes. They are linked up in the sense that any discovery will be communicated to each other. In fact, it is an extension of our atomic energy work which is going on in Bombay and other places.

Committee on Housing in Villages

***240. Shri Shree Narayan Das:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) what are the important features of the report of the Committee on Cheap Roofing and Mudplaster for houses in villages; and

(b) whether the report has been examined and recommendations found suitable for dissemination in rural areas?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) and (b). After examining the various specifications of water proof mud plaster, the Committee came to the conclusion that the two specifications involving the use of 'bituminous emulsion' and 'liquid asphalt' should prove effective for 5 to 10 years under average conditions of rain-fall. They have accordingly recommended that these two specifications should be given field trials on a fairly wide scale.

Shri Shree Narayan Das: May I know whether any estimate of the cost has been made?

Shri Anil K. Chanda: It proves at this stage a little more expensive than what ordinary mud-plaster would cost. Roughly, liquid asphalt treatment would cost about Rs. 13 per 100 sq. ft. and bituminous emulsion would cost about Rs. 8-2-0 per 100 sq. ft., whereas mud plaster costs about Rs. 3 per 100 sq. ft.

Shri Shree Narayan Das: May I know whether the Government has construction of such buildings somewhere so that people may see and use them?

Shri Anil K. Chanda: These are the results of laboratory tests. We have asked the Community Development

Ministry to put up a number of cottages in different areas so that field tests may also be taken.

Shri Barman: What is the maximum incidence of rainfall that this kind of roofing will last for 10 or 12 years as the hon. Minister said just now?

Shri Anil K. Chanda: I do not have the information with me here. But, we have suggested to the Community Development Ministry that this can be tried in various parts of the country with varying rainfall.

Shri Supakar: May I know if the roofings are expected to be leak-proof also?

Shri Anil K. Chanda: It is not with regard to roofing. It is with regard to the walls.

Textile Machinery

†

Dr. Ram Subhag Singh:
Pandit D. N. Tiwary:
Shri Bahadur Singh:
Shri Raghunath Singh:
*241. **Shri T. B. Vittal Rao:**
Shri N. R. Munisamy:
Shri Narayanankutty Menon
Shri T. K. Chaudhuri:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the State Trading Corporation of India (Private) Limited has entered into an agreement with the Japanese Textile Machinery Manufacturers' Association for the supply of Japanese textile machinery to India on deferred payment basis;

(b) if so, the main features of the agreement; and

(c) what are the items of textile machinery which will be supplied to India under the above agreement?

The Minister of Commerce (Shri Kanungo): (a) Yes, Sir.

(b) and (c). A statement giving the necessary information is laid on the Table of the Lok Sabha. [*See* Appendix II, annexure No. 1].

Dr. Ram Subhag Singh: May I know the approximate total value of the imports which will be made under this agreement?

Shri Kanungo: It is an open agreement. It can go up to any value. The only limitation is that it should be bulked to the size of £40,000.

Shri Narayanankutty Menon: May I know whether the Government has taken a decision as to how this machinery which will be imported will be distributed to the various States?

Shri Kanungo: Those establishments which have received licences for installation of machinery have the option of buying from this source.

Shri Damani: May I know if we are negotiating with some other countries for the import of textile machinery on the basis of the Japanese agreement?

Shri Kanungo: Not on the basis of the Japanese agreement. We have got negotiations with other countries.

Shri S. V. Ramaswamy: When we have installed capacity in our own country for the manufacture of textile machinery, what is the need now for entering into an agreement with Japan for the import of textile machinery?

The Minister of Industry (Shri Manubhai Shah): It is true that we manufacture textile machinery in the country. The House will be glad to know that it was Rs. 1 crore in 1953 and it has gone up to Rs. 7 crores in the current year. Even so, we have to import Rs. 10 crores worth of imported machinery.

Shri T. K. Chaudhuri: In view of the fact the deferred payment agreement in regard to textile machinery will increase the production capacity of the textile mills and the textile industry, is it the intention of the Government to review the decision with regard to the provisions that they already indicated in regard to automatic looms and such other machinery

Shri Kanungo: I do not see any reason because this arrangement is made to hasten the implementation of the policy as announced in 1956. As a matter of fact, the policy is constantly under review.

Shri R. Ramanathan Chettiar: May I know what is the total amount of textile machinery that is proposed to be imported from Japan on the deferred basis?

Shri Kanungo: It is not a question of the Government doing it. It is a facility offered to the industrial establishments.

Shri T. K. Chaudhuri: Have the Government ascertained the reactions of the industry to this agreement?

Shri Kanungo: This has been done only a few weeks back. The reaction of the industry will be available in the course of a few months.

Office Accommodation for Central Government

*242. { **Shri V. C. Shukla:**
Shri A. S. Saigal:

Will the Minister of **Works, Housing and Supply** be pleased to refer to the reply given to Starred Question No. 140 on the 18th July, 1957 and state:

(a) how much of the floor area offered in Nagpur by the Government of Bombay to the Government of India, has been utilised and how much of it has not been taken up;

(b) how much rented floor space in private buildings is under the occupation of the Central Government in Nagpur at present; and

(c) what is the total rent paid by the Central Government for such accommodation?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): *(a) So far, the Government* of Bombay have released, in Nagpur, one office building, with a floor area of about II, 000 sq.ft., one hostel building and a few residential bungalows and staff quarters. All this accommodation has already been fully utilised by Central Government Offices. Negotiations for the release of further buildings by the Govt. of Bombay in Nagpur are in progress and it is expected that all the accommodation that may be released by the State Govt. would be utilised for Central Govt. Offices.

(b) 63,000 sq. ft. approx.

(c) Rs. 17,000 per month approx.

Shri V. C. Shukla: May I know the total area of space which was offered originally by the Government of Bombay and the area which has been released by the Government of Bombay till now?

Shri Anil K. Chanda: Provisionally they offered a little over 1 lakh sq. ft. As I have indicated in my answer, 11,000 sq. ft. have been already released. We expect that the rest of the accommodation would also be released within a short time.

Shri V. C. Shukla: What reasons prevented the Government of Bombay from releasing the rest of the area which was originally offered?

Shri Anil K. Chanda: My information is this. The offices which were located there are still there. They are gradually being removed. The convenience of the State Government must be taken into consideration also.

Shri C. R. Pattabhi Raman: This is about the secretariat building, I take it. What about the Government House, the High Court of Judicature there? So many buildings are there in Nagpur, I think. Did the Government take the initiative in shifting some offices from here?

Shri Anil K. Chanda: These buildings belong to the Government of Bombay. We can only shift if the accommodation is released to us by that Government. Provisionally they have offered the new secretariat buildings, the old secretariat buildings, the old High Court buildings, Settlement Commissioner's buildings, Revenue Board buildings and Council Hall building.

Shri Harish Chandra Mathur: During the last session it was stated that the Police Training College at Abu is likely to be transferred to Nagpur. May I know whether since then the proposal has been dropped?

Shri Anil K. Chanda: No final decision about that particular institution has been taken.

श्री भक्त दर्शन : क्या मै जान सकता हूं कि जब बम्बई सरकार से पूरे भवन वहां पर मिल जायेंगे तब दिल्ली से वहां पर कौन कौन से दफ्तर ले जाने का विचार किया जा रहा है ?

Shri Anil K. Chanda: We have made a provisional list of offices which are to be located in Nagpur when accommodation is available. As Sardar Swaran Singh had told the House a few days ago, the list will be placed on the Table as soon as final decisions have been taken.

Shri Harish Chandra Mathur: Is the hon. Minister aware that the Rajasthan Government has already been informed that this proposal has been dropped indefinitely? May I know if there is any co-ordination between this Ministry and the Home Ministry and what is the exact position?

Shri Anil K. Chanda: There is complete co-ordination between all the Ministries of the Government. So far as this particular question is concerned, I was asked information about shifting offices to Nagpur. I have said, so far as the Police Training College is concerned, it is not in the provisional list yet.

Tea Trade

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*243. **Shri Barman:**
Shri S. C. Samanta:
Shri Balarama Krishnaiah:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether there is any basis for complaints that Indian traders in tea in foreign markets sometimes adopt unfair means;

(b) the steps taken in the matter;

(c) whether it is a fact that Kenya has discontinued importing Indian tea and the tea exports to Pakistan have received a set back; and

(d) if so, the reasons therefor?

The Minister of Commerce (Shri Kanungo): (a) Yes, Sir. Quality of tea supplied did not, in a few cases, conform to the samples furnished.

(b) Government propose to promulgate an Order under the Tea Act vesting the Tea Board with powers to take appropriate action in such cases.

(c) and (d). Kenya and Pakistan also produce and export tea. The question of regular export to these countries does not arise.

Shri Barman: May I know the country or countries from which such complaints have been made and whether there is any connection between such adoption of unfair means and the fall of export of tea in the year 1957 as compared to 1956?

Shri Kanungo: No. There is no relation between such complaints and the reduction of the trade in the particular year. The complaints were very few, I suppose not more than quarter of a dozen on that score and they were from West Asian countries.

Shri S. C. Samanta: May I know whether the complaint against the tea chests of plywood that were being used before by foreign exporters, has been removed?

Shri Kanungo: That has been removed. When the complaint was made much of in the press, there was no substance in it.

Shri V. P. Nayar: The hon. Minister said that bulks did not conform with samples offered. I want to know whether in the supplies made especially for export, there is any adulteration or only inferior variety is substituted for a better variety?

Shri Kanungo: No adulteration has been reported.

Shri Damani: May I know how many times the export duty on tea has been changed, and whether it has helped to increase our export?

Shri Kanungo: The very nature of the duty is such that it is variable according to the rates prevalent in London and Calcutta. I could not give the exact number of times changes were made, but every one in the trade knows about it.

Shri A. C. Guha: May I know if the Chairman of the Tea Board about 2½ months ago used very strong words as regards the corrupt practices of the tea exporters, and if so, what action has been taken on those complaints made by the Chairman of the Tea Board himself?

Shri Kanungo: The Chairman did speak about it publicly because we do not want a single complaint in this matter to be made against the Indian trade. As I have mentioned in reply to part (b) of the question, the Tea Board is being invested with powers of regulating the export trade.

Mr. Speaker: Next question.

Shri A. C. Guha: And he is the officer mainly in charge of this?

Mr. Speaker: I have called the next question.

Skimmed and Powdered Milk

***244. Dr. Ram Subhag Singh:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the value and quantity of skimmed and powdered milk so far imported into the country by the State Trading Corporation since its formation;

(b) whether the State Trading Corporation determines the prices for their sale; and

(c) if so, at what prices these are sold in Calcutta, Bombay, Madras and Delhi?

The Minister of Commerce (Shri Kanungo): (a) The value is approximately Rs. 60 lakhs. The quantity is nearly 11 lakh lbs.

(b) The sale prices are indicated by the State Trading Corporation.

(c) The skimmed milk powder has not yet arrived in Bombay, Madras and Delhi markets. It has only recently been unloaded at Calcutta. The margins of profits for the established importers and the dealers have been fixed by the State Trading Corporation of India (Private) Limited.

Shri A. C. Guha: May I know if in the Calcutta market there was some strike of the dealers of skimmed milk in connection with the distribution of this imported skimmed milk?

Shri Kanungo: No information.

Shri V. P. Nayar: The hon. Minister said that the State Trading Corporation have imported Rs. 60 lakhs worth. Do I take it that the import is a monopoly of the State Trading Corporation now, and may I know whether they have any machinery to check the prices in the retail market in Calcutta?

Shri Kanungo: Yes, we are trying to regulate the prices in the markets of Calcutta, Bombay and Madras, and we have fairly succeeded there.

Shri Shree Narayan Das: What is the margin of profit that is allowed to be charged?

Shri Kanungo: It varies according to the consignments. It is about five per cent.

Shri V. P. Nayar: I wanted to know whether the State Trading Corporation has now a monopoly of import?

Shri Kanungo: For the current licensing period, the State Trading

Corporation imports milk under P. L. 480 from the United States. Import from other sources is prohibited. The State Trading Corporation has devised a machinery of distribution whereby importers are formed into an association and stocks are released as and when they are unloaded, and that is the best check on prices that we can put.

Messrs Plywood Products, Sitapur (U.P.)

*245. **Shri Vasudevan Nair:**
Shri A. K. Gopalan:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether a licence for about Rs. 5 lakhs has been granted to Messrs Plywood Products, Sitapur, U.P. for the import of secondhand machinery; and

(b) if so, whether Government have satisfied themselves of the quality and necessity of the machinery to be imported?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). Yes, Sir.

Shri Vasudevan Nair: I would like to know whether Government have received any complaint to the effect that there is some swindle involved in the purchase of this machinery and that this secondhand machinery is mere scrap?

Shri Manubhai Shah: No, Sir. We have taken care to see that competent experts in the U.K. have inspected the machinery completely, and our own experts are also satisfied, and only then we have allowed its import.

Shri Vasudevan Nair: My question was whether the Government has received any complaint and whether they have gone into the matter.

Shri Manubhai Shah: We have received no complaint either from the buyer or the supplier or anybody else.

Shri S. M. Banerjee: May I know whether one Mr. Mohamed Ismail who was one of the partners of this concern just before partition managed to set fire to this factory and go away to England, and if he is in England?

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Shri Manubhai Shah: I have no information about the gentleman the hon. Member has referred to, but I can say this is one of the very good factories and makes first class decorative plywoods also, and is perhaps the best decorative varieties in the country.

Shri V. P. Nayar: May I know whether almost at the same time any other licences for the import of new machinery for the expansion of the capacity of plywood factories in Kerala have been disallowed?

Shri Manubhai Shah: It is not a fact. The whole position now in regard to the import of capital goods is that unless a firm brings a deferred payment arrangement, even for a small sum like Rs. 4,75,000, a licence is not issued. The firm has managed a contract of six annual instalments. If anybody brings similar deferred payment arrangements, we shall certainly consider them.

Portuguese Possessions in India

*246. **Shri H. N. Mukerjee:**
Shri M. Elias:
Shri Rameshwar Tantia:

Will the **Prime Minister** be pleased to refer to the replies given to supplementaries on the Short Notice Question No. 23 on the 5th September, 1957 and state whether the Government of India has taken up at the diplomatic level the question of support by certain powers, particularly in the Commonwealth of Portuguese colonialism in India?

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*Expunged as ordered by the Chair.

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): The Government of India have recently again brought to the notice of some Governments their views regarding the situation inside the Portuguese possessions in India.

Shri H. N. Mukerjee: May I know if the channels of inter-Commonwealth communication were utilised by Government to indicate our reaction on such symbolic occasions as the visit of the British Queen, who is the Head of the Commonwealth, to Lisbon?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): No, Sir. As far as I remember, no communication was sent on that particular occasion. That was about a year ago, I think. We would not normally send communications of this type approving or disapproving of actions taken by the head of another State.

Shri H. N. Mukerjee: Could I know how far our studied patience over Portugal's long-continued provocation has so far produced any notable, tangible effect on the attitude of certain Great Powers?

Shri Jawaharlal Nehru: That is a question of measuring mental attitudes. I am quite unable to say anything definite about it, but I am quite sure that large numbers of people have been influenced by our attitude.

Shri T. K. Chaudhuri: The hon. Minister has not replied to the question whether the Government of India has taken up the question of support by certain Powers in the Commonwealth to Portuguese colonialism. We want to know specifically whether this question was taken up with any Commonwealth country at the diplomatic level?

Shri Jawaharlal Nehru: The reply says that we have raised this question with a number of countries not only of the Commonwealth but many other countries. Naturally when we raise it with a country we try to explain our attitude to them, we try to press for their support to that attitude.

Shri Joachim Alva: When the Indian satyagrahis planned to enter Goa, the British High Commissioner called at our External Affairs Ministry, and perhaps protested against it. May I know whether the British Government has made any observations in regard to the unabashed and unashamed manner in which the last Prime Minister of Pakistan, before he assumed office and after, entered Goa and Portugal? And now again the President of Pakistan has also gone there.

Mr. Speaker: Is it necessary to use all these expressions? Hon. Members should not embarrass the House or the Prime Minister or inconvenience ourselves. Questions are intended only for eliciting some information when remarks of this kind are unnecessary. Without any prelude, epilogue or prologue and without any comments a straight question can be put.

Shri Jawaharlal Nehru: The hon. Member referred to some visit of the U.K. High Commissioner to the Foreign Office here—I did not quite catch on what occasion. He comes frequently, but what has that got to do with Goa I do not know. I have no recollection of the U.K. High Commissioner visiting the External Affairs Ministry on the question of Goa at all.

As for the other matter, namely the visits of the Prime Minister and the President of Pakistan to Portugal, surely, it is not for me to reply or to judge of their motives in doing so, or to justify or not to justify them. As is well known, we are not in tune with Pakistan's policy.

Dr. Ram Subhag Singh: May I know whether Government have received the views of any Government who have been approached in this regard, and if so, the nature of the replies received?

Mr. Speaker: Any reactions of the other Governments who have been approached?

Shri Tyagi: It is asking for too much.

Shri Jawaharlal Nehru: These replies which are normally given are orally indicated to us by their representatives.

Shri Hem Barua: In the face of Dr. Salazaar's vitriolic attack at election time against this country, and Major General Iskander Mirza's and the Pakistan Prime Minister's whispering campaign in Portugal over Goa and Kashmir, may I know whether Government propose to adopt drastic measures by taking possession of these Indian territories immediately?

Mr. Speaker: It is a suggestion for action.

Second Five Year Plan

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*248. **Shri Harish Chandra Mathur:**
Shri Rup Narain:
Shri Radha Raman:
Shri Morarka:
Shri Nathwani:
Shri Mohan Swarup:
Shri Sanganna:
Shri Damani:
Shri Jhulan Sinha:
Shri Naushir Bharucha:
Shri Bishwanath Roy:
Shri Panigrahi:

Will the Minister of **Planning** be pleased to state:

(a) whether the work of rearrangement of priorities of the projects and programme in the Second Five Year Plan has been completed; and

(b) which of the major projects have been delayed or postponed for the present due to paucity of funds including foreign exchange?

The Parliamentary Secretary to the Minister of Labour and Employment and Planning (Shri L. N. Mishra): (a) The Planning Commission is engaged in reviewing projects included in the Second Five Year Plan, especially those on which a start has already been made, with a view to determining priorities among them from the point of view of foreign exchange.

(b) Projects which might be affected by shortage of foreign exchange can be indicated after discussions regarding the Development Plan for 1958-59 have concluded.

Shri Harish Chandra Mathur: May I know whether instructions have already been issued to all the State Governments to cut down their budget provisions for this year for developmental schemes by 20 per cent?

Shri L. N. Mishra: Not to my knowledge. Whatever instructions have been issued to the State Governments have been referred to by me during the last week in this House.

Shri Harish Chandra Mathur: May I know whether the State Governments are free to adopt their budgets for this year as they were, and whether the shortfall during the first year will be permitted to be made up?

Shri L. N. Mishra: The State Governments submit their annual plans to the Planning Commission, and there is discussion between the State Governments, the Planning Commission and the Ministries concerned. When the annual plans are approved, the State Governments go ahead with those plans, and that procedure will be followed during the next year also.

Shri Morarka: May I know whether any project on which work has already been started is likely to be postponed or delayed for want of foreign exchange?

Shri L. N. Mishra: Every scheme is being examined and the Planning Commission is at work. It is difficult to say at this stage which of the projects will be delayed or postponed.

But I might say that the Planning Commission is not at present attempting to re-formulate the Plan. It is only trying to keep strict conditions for maintaining priorities.

Shri R. Ramanathan Chettiar: In view of the recommendation of the Finance Commission to increase the grants to the States by Rs. 47 crores, may I know whether some of the allotments to the States will be drastically curtailed to the extent of this amount?

The Deputy Minister of Planning (Shri S. N. Mishra): The underlying assumption might be examined during the course of the discussions which the Planning Commission is going to have with the State Governments. These discussions are going to begin on the 6th of December, 1957, and would end by the end of January, 1958.

Shri Vasudevan Nair: Am I to understand that the projects which do not involve foreign exchange will not be touched in this process of pruning and re-phasing and all those things?

Shri L. N. Mishra: All the projects are to be examined in view of the changing economic conditions. There is no question of not touching or touching.

Shri Bimal Ghose: With reference to the answer given by the Deputy Minister, may I know whether it is not a fact that the Finance Commission, while making their recommendation, had taken into account the assistance that the States should be getting from the Government of India under the schemes of the Second Five Year Plan?

Shri S. N. Mishra: I could not catch the question.

Shri Bimal Ghose: The Deputy Minister had indicated that the question of assistance from the Centre under the Second Five Year Plan will be examined in the light of the recommendations made by the Finance Commission. But my point is that when the Finance Commission had taken that fact into account in making these recommendations, the question of re-examination should not arise.

Shri S. N. Mishra: The supplementary question asked earlier by the hon. Member was whether the assistance to be given to the State Governments was to be cut down in view of the recommendations made by the Finance Commission. My submission was that each State Government's development plan would be examined during the course of the discussion. The assumption of the hon. Member would also be considered by the Planning Commission then. Of course, the Finance Commission took into account all these considerations, and we have accepted the recommendations of the Finance Commission.

Shri Panigrahi: In view of severe drought in Orrisa, Eastern U.P. and some other parts of India, may I know whether the members of the Planning Commisison and the expert committee which is visiting the different States and also these drought-affected areas have made any proposal to give priorities under the Second Five Year Plan to irrigational projects in these areas?

Shri S. N. Mishra: This question is really apart from the main question. The Planning Commission team has visited one or two States by now—I think only one State has been visited by that team. As for irrigation projects, we have got an irrigation plan for each State. If it is considered that the irrigation plans of some States are not adequate, then slight adjustments are, of course, possible.

Works Committees

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*249. { **Shri S. C. Samanta:**
Shri Subodh Hasda:

Will the Minister of **Labour and Employment** be pleased to state:

(a) how the Works Committees formed by various industrial establishments under the Industrial Disputes

Act, 1947 and other Statutes, have worked; and

(b) the number of Works Committees at present in Central undertakings?

The Parliamentary Secretary to the Minister of Labour and Employment and Planning (Shri L. N. Mishra): (a) The question of undertaking a study on the working of these committees is under consideration.

(b) On 30th June 1957, 760 works committees were functioning in various Central sphere undertakings.

Shri S. C. Samanta: May I know whether as a result of the participation of labour in management in some industries, the position of the works committees will have any change?

Shri L. N. Mishra: The Works Committee will function independent of the workers' participation in management. The participation of workers in management is an improvement on the works committee.

Shri S. C. Samanta: May I know whether Government have any information about the difficulties in the functioning of these works committees due to the existence of more than one union in one industry?

The Deputy Minister of Labour (Shri Abid Ali): Some difficulty is felt where there is more than one union. But in regard to the functioning of the works committees, the rules are such that where more than one union is there, the procedure for representation of the workers has been stipulated in the rules.

Shri Tangamani: In the works committees set up under the Industrial Disputes Act, the provision is that the nominees of the management will be the same as the elected members from the workers. Because of this, we find that many of the works committees are not functioning. Besides, under the present rules, the works committee meetings have got to be convened only at the instance of the management. In view of these defects, may I know whether the rules which govern the works committees under the Industrial Disputes Act will be suitably modified?

Shri Abid Ali: That was the purpose of the study. Whatever difficulties are being felt now will have to be remedied.

Shri Narayanankutty Menon: May I know whether Government have received any complaint that in the Port Cochin, which is directly under Government, no works committee under the Act has yet been constituted, and if so, whether Government have taken any action to constitute works committees there?

Shri Abid Ali: Port Cochin has no works committee.

Shri Narayanankutty Menon: My question has not been answered.

Mr. Speaker: He says there is no works committee. Is there any proposal to constitute one?

Shri Abid Ali: At present, we have no proposal.

Shri Narayanankutty Menon: May I know whether under the Act it is mandatory to have works committees, and whether Government has received any complaint, and if so, what action has been taken on the same?

Shri Abid Ali: After the study of this Group is completed, we shall think of having more works committees.

Shri Narayanankutty Menon: It does not answer my question, Sir.

Mr. Speaker: The Committee will recommend whether it is recommendatory or obligatory.

Refugees with False Migration Certificates

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*250. { **Shri Panigrahi:**
Shri T. K. Chaudhuri:

Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) the number of refugees who have come from East Pakistan in recent months without genuine migration certificates;

(b) how many of them have been rehabilitated and in which States; and

(c) the progress made in removing the refugee squatters in Sealdah station areas?

The Parliamentary Secretary to the Minister of Rehabilitation and Minority Affairs (Shri P. S. Naskar): (a) The number of persons who may have come from East Pakistan to India either on forged migration certificates or without any travel documents is not known. If notice is given of a question relating to a particular area and a particular period, efforts will be made to collect the information.

(b) Does not arise.

(c) The squatters from Sealdah were removed towards the end of last year and the area cleared. Large scale squatting has again taken place. The matter is under the consideration of the State Government.

Shri Panigrahi: May I know whether after the recent conference of the Rehabilitation Ministers at Darjeeling, the number of such refugees having no migration certificates is increasing?

Shri P. S. Naskar: As I said, the definite number cannot be given because it takes some time to find out the number of persons with false migration certificates. If the hon. Member can give me a specific area or locality, I will try to collect the information.

Shri T. K. Chaudhuri: May I know why, in spite of the definite assurance given by the hon. Minister of Rehabilitation that the Government would consider sympathetically the question of rehabilitation of the refugees in Sealdah who have come with forged migration certificates and in spite of orders having been passed accordingly, no batch of refugee squatters in Sealdah has been removed up till now? The statement of the hon. Minister was made two months ago.

Shri P. S. Naskar: The trouble with Sealdah station is this. About fifty per cent. of the persons who have squatted there are non-migrants *i.e.*, non-refugees. Unless the State Government takes a concerted action as to what to do with these non-migrants, if they take any piece-meal measures to remove these refugees, at once a vacuum that is thus created will be filled up with fresh squatters. The State Government has plan under consideration as to what they are going to do with these non-migrants who are there and when that has been finalised the question will be taken by the State Government.

Shri T. K. Chaudhuri: Are not the Sealdah railway precincts the property of the Central Government?

Shri P. S. Naskar: The question may be put to the appropriate Ministry.

Development of Intermediates

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*252. { **Shri Morarka:**
Shri Nathwani:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government have considered the reports of experts from Italy, West Germany, the U.K. and U.S.S.R. on the development of intermediates in this country;

(b) whether Government have also received a report from the group of

Indian technologists who had made a voluntary study of this subject; and

(c) what are Government's decisions on these reports?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) and (b). Yes, Sir.

(c) Negotiations for securing satisfactory collaboration from abroad are continuing.

Shri Morarka: May I know the total cost incurred by Government for these various reports received from West Germany, U.K. and USSR?

Shri Satish Chandra: The reports from West Germany and U. K. have been received without any cost. Some payment has been made to the Italian firm only which submitted the report.

Shri Morarka: May I know how the report from the Indian technologists compares with the reports received from foreign experts?

Shri Satish Chandra: The report from the Indian technologists only tries to establish that there is no necessity for a Central plant for intermediates. What they have said implies that organic chemicals can be manufactured by chemical manufacturers and certain intermediates which are necessary for the dyestuff industry can be manufactured by the present dyestuff producers by extension of their factories. They have not taken into account the requirements of drugs, plastics and several other industries for which intermediates are required.

Shri Morarka: Does the Government propose to put up this factory in the public sector or does it want to give this to the private sector?

Shri Satish Chandra: The present intention is to set it up in the public sector.

Shri Morarka: Has any estimate been made of the total cost for setting up this factory?

Shri Satish Chandra: These matters are under discussion and negotiation. Some rough estimates have been received from these firms, I have just referred to. The matter is being examined and reliable estimates would be available when detailed project reports are drawn up.

Shri Morarka: What is the rough estimate?

Shri Satish Chandra: It might be about Rs. 15 to Rs. 20 crores, including working capital, factory, colony etc. In the first stage it might be about Rs. 15 crores.

Foreign Exchange Commitments

*253. **Shri N. R. Munisamy:** Will the Minister of Planning be pleased to state:

(a) whether the Commission have examined the foreign exchange commitments for the next six months in consultation with the various Ministries of the Government of India; and

(b) if so, the conclusions arrived at, if any?

The Parliamentary Secretary to the Minister of Labour and Employment and Planning (Shri L. N. Mishra): (a) and (b). Yes. Ceilings upto which the Central Ministries may enter fresh foreign exchange commitments for Government imports during October 1957 to March 1958 have been determined.

Shri N. R. Munisamy: May I know whether while examining the foreign exchange components under the new phased Plan the Government tried to avoid the stopping of work or waste or unemployment as a result of the drastic rephasing of the Plan and what are the recommendations advanced to the Cabinet Committee with regard to the import licensing policy both on government and on private account?

The Deputy Minister of Planning (Shri S. N. Mishra): I could not catch the question.

Mr. Speaker: Is it one question or two questions? Hon. Members must prepare the questions in advance. The questions must be short, only on a single point and ought not to be argumentative.

Shri N. R. Munisamy: While examining the foreign exchange component, would the hon. Minister kindly tell us whether all the Ministries have been consulted or whether any Ministry has been exempted, for example, the Defence Ministry; and, if so, what is the reason?

Shri L. N. Mishra: No Ministry has been exempted; all the Ministries have been consulted.

Shri N. R. Munisamy: May I enquire whether as a result of the rephasing of this programme any Ministry has suffered most and which Ministry has benefited by accidental inclusion of some item?

Shri S. N. Mishra: In regard to the previous question, I would like to submit that 11 Ministries have been consulted and the Ministry of Defence and the Ministry of Community Development and the like have not been consulted for reasons which are well-known to hon. Members.

Sardar Iqbal Singh: May I know whether the Planning Commission has suggested rationing of foreign exchange in view of the scarcity of foreign exchange?

Mr. Speaker: What is the rationale?

Shri S. N. Mishra: The rationale in examining foreign exchange components..........

Shri Achar: What is the total amount as a result of consultation with the Ministries?

Shri L. N. Mishra: It is not customary to give publicity to this kind of information because all these figures are subject to variation and it is not possible for me to give them, in any definite form.

Shri Gajendra Prasad Sinha: May I know whether there has been any drastic cut in the demand for foreign exchange of the various Ministries?

Shri L. N. Mishra: There has been some adjustment; but, I cannot say that there has been any drastic cut.

Shri N. R. Munisamy: May I know whether the conclusions have been forwarded to the Finance Minister—because he was abroad—for his consultation with the Chief Ministers of the various States with regard to the rephasing of the present programme?

Shri S. N. Mishra: The Finance Ministry is always in the picture while we are discussing these things. So, the question of sending reports to the Finance Ministry does not arise so much.

Disarmament between India and Pakistan

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*254. { **Shri Rameshwar Tantia:**
Shri Harish Chandra Mathur:

Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that Pakistan Foreign Minister, in a letter to an American newspaper, has suggested disarmament between India and Pakistan; and

(b) if so, whether any such proposal was made to India by Pakistan?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) Government have seen the letter from the Pakistan Foreign Minister published in the New York Times of 29th September, 1957 in which he posed a question about disarmament between India and Pakistan.

(b) No, Sir.

Shri Rameshwar Tantia: May I know how this proposal is different from the offer of 'No War Declaration' by the Prime Minister of Pakistan?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): There is no proposal on the part of Pakistan. What happened, I believe, was that Shri C. R. wrote a letter to the New York Times and the Pakistan High Commissioner wrote a reply to that letter in the *New York Times*. I think it was the Pakistan Foreign Minister. In the course of the reply he vaguely said, 'Well, why should not India and Pakistan disarm?' and further added that Pakistan has, of course, a heavy responsibility because it has to look after various frontiers in the North-West *etc*. We have received no proposal to consider. Obviously, a proposal to disarm is something different from a 'No War' proposal.

Shri Harish Chandra Mathur: As they do not know what value to attach to such Pakistani propaganda stunts and in view of their evil effects in the foreign press, may I know if the Government of India has taken or proposes to take any action to dispel any misunderstanding because no disarmament can be considered in view of its adherence to SEATO and other military pacts?

Shri Jawaharlal Nehru: These are things done from day to day. There is no such importance attached to a letter in the *New York Times* which has suddenly galvanised the Government of India into doing something particular. It is a vague statement made by the Foreign Minister. Generally I recognise what the hon. Member says. The Government of India or the External Affairs Ministry should be wide awake and should take steps to enlighten people so that they may not be misled by such statement.

Shri Joachim Alva: Is it not true that since the time of the visit of Liaqat Ali Khan to India, the Government of India has made repeated offers to enter into a No-war declaration with Pakistan and Pakistan has not seriously considered it?

Shri Jawaharlal Nehru: The hon. Member is completely right as he sometimes is.

Shri Hem Barua: It is not only a question of a letter appearing in the *New York Times*. In view of the systematic and slanderous propaganda made against this country with a view to dub India as a country with belligerent aims, what steps have been taken so far to counteract this propaganda by Pakistan?

Shri Jawaharlal Nehru: I do not know what the hon. Member means by specific steps. We have answered such questions repeatedly and I need hardly enumerate. There are many steps which the hon. Member should know. The normal steps are taken: publicity pamphlets, newspapers. May be, they are not quite adequate. We will try to improve them.

Bonus of Industrial Labourers

*256. **Shri Sanganna:** Will the Minister of **Labour and Employment** be pleased to state:

(a) whether it is a fact that Government have been studying the scheme of crediting bonus of industrial labourers to their Provident Fund Account or placing under the National Savings Scheme;

(b) if so, whether the scheme has been finalised; and

(c) the saving to the National Exchequer under the scheme during the Second Five Year Plan period?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes.

(b) At the meeting of the Standing Labour Committee held in October 1957 a decision was taken to the effect that in the case of workers drawing more than Rs. 75 per month and who receive annual bonus exceeding Rs. 75 or one month's wages whichever is higher, half of the amount in excess thereof should be credited to their provident fund account.

(c) Does not arise.

Shri Sanganna: May I know the industries brought under this scheme?

Shri Abid Ali: This applies to everyone who comes under this category.

Shri Tangamani: May I know whether the State Governments have accepted the recommendations of the Labour Advisory Committee—namely, payment of half the bonus, if the amount exceeds Rs. 75? May I also know whether the Madras State advisory committee has suggested three months' bonus instead of Rs. 75?

Shri Abid Ali: This recommendation was communicated to the State Governments on 26th October 1957 and their reactions are awaited. With regard to the latter part of the question, I require notice.

Shri Anthony Pillai: A certain part of the bonus should be paid to the provident fund but it is to be a voluntary offer made by the worker concerned. Is the Government considering the possibility of introducing legislation to make it compulsory and if so, will it first of all be referred to the trade union organisations before being introduced here?

Shri Abid Ali: The workers' representatives were very much vehement that there should not be any legislative compulsion and that it should be left to the voluntary will of the workers.

Shri Narayanankutty Menon: Before deciding upon taking part of the bonus as compulsory saving, may I know whether......

Mr. Speaker: Order, order. That question was specifically asked and he said that the representatives of the workers were against it. So, there is no compulsory saving. It is out of question.

Shri Tangamani: The only point is whether it is compulsory or voluntary.

Mr. Speaker: It is only voluntary and not compulsory.

Uranium

*257. **Shri S. V. Ramaswami:** Will the **Prime Minister** be pleased to state:

(a) what is being done with the residue containing uranium in the Thorium Plant at Trombay; and

(b) whether there is any proposal to isolate uranium from this residue?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) The residue containing uranium is recovered as a concentrate and stored.

(b) A plant to produce atomically pure uranium metal is under construction at Trombay|Bombay and is scheduled to be completed by the middle of 1958.

Shri S. V. Ramaswami: Will the uranium that will be isolated be useful for the Canada-India reactor which is coming up very fast and if so will this plant be starting in time to be of use to the atomic reactor?

Shri Jawaharlal Nehru: I take it that it will certainly be useful and utilised in the Canada-India reactor. But, I do not think that we shall be producing enough uranium to begin with for that purpose. I am not quite sure but I believe for some little time we shall have to get it from outside till we begin producing enough.

Shri S. V. Ramaswamy: It has been reported that we are shortly going to have an atomic power plant. Will the uranium isolated now be useful for that power plant also?

Shri Jawaharlal Nehru: Whatever uranium is there, if there is uranium, it is useful for this purpose. But this talk of power plant does not mean that we are going to have it soon. It will take several years. Maybe—I do not know—five years or so. By that time, we shall no doubt be producing much more uranium.

Villiers Colliery, Talchar

*258. **Shri Surendranath Dwivedy:** Will the Minister of **Labour and Employment** be pleased to state:

(a) whether it is a fact that the management of the Villiers Colliery, Talchar, has violated provisions of the Payment of Wages Act, Mines Act and the award of the All India Industrial Tribunal;

(b) whether this matter has been brought to the notice of Government by the local labourers; and

(c) what steps have been taken to ensure the implementation of all labour laws in this mine?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes.

(b) Yes.

(c) Frequent periodical inspections, visits etc. are made by the officers to enforce and ensure compliance with various Labour Laws by the management. Prosecution is launched wherever required.

Shri Surendranath Dwivedy: The Minister agrees that there has been a violation of the Payment of Wages Act, Mines Act and the awards of the Industrial Tribunals also. What action has been taken against the managements for these violations?

Shri Abid Ali: Prosecution and recovery of the dues which are to be paid to the workers by land revenue process.

Shri Surendranath Dwivedy: For how many years, the management has been violating these laws regularly?

Shri Abid Ali: Weekly paid staff did not get payment in the month of August, 1957 and monthly paid staff for July 1957.

Shri Surendranath Dwivedy: Is it not a fact that the workers have represented to the Government several times about this for taking some stringent action?

Shri Abid Ali: Whenever representations are received, they are given due consideration.

Shri Surendranath Dwivedy: In view of the repeated violation of these laws, does not the Government think it necessary to take over the management of this concern?

Shri Abid Ali: Not on this account.

Coir Delegation

*259. **Shri V. P. Nayar:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the delegation appointed by the Coir Board has completed the study of the possibilities of using the industrial waste taking place in coconut husk; and

(b) the recommendation, if any, made by the delegation?

The Minister of Industry (Shri Manubhai Shah): (a) The delegation appointed by the Coir Board was to study the possibilities of manufacture of bristle and mattress fibre in India, and to study the methods adopted in Ceylon for the manufacture and possibilities of their application in India. The delegation has not yet submitted its final report.

(b) Does not arise.

Shri V. P. Nayar: Are the Government aware that in the process of extricating fibre from coconut husk, a very large part of what is called dust is thrown out and that it is not used in industry? Have the Government any plan to utilise this raw material for the purpose of industries like the manufacture of boats?

Shri Manubhai Shah: Recently, at a meeting of the Coir Board in Ernakulam, this matter was discussed and we are going into the question.

Shri V. P. Nayar: May I know whether the Government have considered the desirability of supplementing the income from the coir industry by having various units for the production of various kinds of objects using this raw material and if so, whether the Government have any definite schemes about it?

Shri Manubhai Shah: This question does not arise out of this particular question. But, I can assure the hon. Member that as soon as the scheme for the utilisation of the waste product materialises, we shall be able to supplement the income of the coir worker, to some extent.

Dandakaranya Scheme

*260. **Shri T. K. Chaudhuri:** Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) whether Government have been able to finalise their plans for the appointment of an autonomous authority for the implementation of the proposed Dandakaranya Scheme;

(b) the mode of association of the States whose lands and territories are included in the Dandakaranya area with this authority;

(c) the relation the Government of West Bengal would be having with the authority; and

(d) whether there is any proposal to make this authority a statutorily incorporated body?

The Parliamentary Secretary to the Minister of Rehabilitation and Minority affairs (Shri P. S. Naskar): (a). It is not intended to set up an autonomous authority at this stage. A Chief Executive Officer has been appointed. He, assisted by a team of experts on health measures, soil conservation, geological survey, transport, communications etc., will shortly visit the area and submit a report on the areas to be taken over and steps contemplated to develop them. After the report of the experts on on-the-spot survey has been received and examined, the further action to be taken in the matter will be decided upon.

(b) The States concerned have assured the Government of India of their full co-operation in the matter.

(c) and (d). Do not arise.

Shri T. K. Chaudhuri: May I know whether the concurrence of the West Bengal Government, who are primarily interested in this matter, was secured by the Government of India before they appointed this Executive Officer?

Shri P. S. Naskar: This scheme will be administered by the Ministry of Rehabilitation, and I do not see any reason why the concurrence of the West Bengal Government is necessary to appoint an officer under this Ministry.

WRITTEN ANSWERS TO QUESTIONS

Employees Provident Fund

*247. **Shri T. B. Vittal Rao**: Will the Minister of **Labour and Employment** be pleased to refer to the reply given to Starred Question No. 272 on the 23rd July, 1957 and state:

(a) at what stage is the proposal to enhance the rate of contribution to Employees Provident Fund from 6¼ to 8½ per cent;

(b) the reasons for delay, if any; and

(c) when it is likely to be enforced?

The Deputy Minister of Labour (Shri Abid Ali): (a) to (c). The matter is being studied by the Group which is examining the question of the various Social Security Schemes.

Cotton Textiles

*251. **Shri Bishwanath Roy**: Will the Minister of **Commerce and Industry** be pleased to state whether the cotton textile mills have made any improvement regarding cloth production during the first nine months of the current year in comparison with the production in the same period of the last year?

The Minister of Commerce (Shri Kanungo): Yes, Sir. The Cotton Textile Mills produced 4,024 million yards of cloth during the first nine months of the current year as against 3,955 million yards during the corresponding period of last year.

Textiles Exports to Afghanistan

*255. **Shri Raghunath Singh**: Will the Minister of **Commerce and Industry** be pleased to state whether it is a fact that the export of Indian cotton textiles to Afghanistan is falling rapidly due to competition from Japan?

The Minister of Commerce (Shri Kanungo): There has been a decline in the exports of cotton textiles from

India to Afghanistan. A variety of factors, including competition from other sources, are responsible for this decline.

कोयला खान मजदूर

***२६१. श्री प० ला० बारूपाल :** क्या श्रम और नियोजन मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि भारत की कोयला खानों में काम करने वाले मजदूरों को रविवार को सवेतन छुट्टी दी जाती है; और

(ख) १९५६ में श्रम कल्याण के लिये स्थापित मध्यस्थ-निर्णय समिति का निर्णय क्या है ?

श्रम उपमंत्री (श्री आबिद अली) : (क) जी नही।

(ख) १९५६ में मजदूर कल्याण के लिये कोई पंच-समिति नियुक्त नहीं की गई थी। यदि आल इंडिया इंडस्ट्रीयल ट्रिब्युनल (कोलियरी डिस्प्यूट) से मतलब है तो इतवार की छुट्टी का वेतन देने का प्रश्न खासतौर से इस ट्रिब्यूनल को नही सौंपा गया था।

Atomic Power Plant

***262. Shri Shivananjappa:** Will the Prime Minister be pleased to state:

(a) whether a request has been received for locating an atomic power plant at Ahmedabad; and

(b) if so, from whom and the reaction of Government thereto?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). No new request has been received for locating the atomic power station at Ahmedabad. Sometime ago, communications were received from (i) The Ahmedabad Millowners Association, Ahmedabad, (ii) Gujarat Vepari Mahamandal, Ahmedabad and (iii) Municipal Corporation, Ahmedabad suggesting the location of the proposed atomic power station at Ahmedabad. All the organisations were informed that the claims of Ahmedabad had been noted and would be given due consideration at the appropriate time. The question of setting up one or more large atomic power stations is still under consideration.

Coffee Plantation

***263. Shri Narasimhan:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether any survey for the expansion of Coffee plantation has been made; and

(b) if so, what are the results of such survey with reference to Madras State and Salem District in particular?

The Minister of Commerce (Shri Kanungo): (a) and (b). Yes, Sir.

Reports submitted in respect of Coorg and Kanara Districts in the Mysore State and the Andaman Island are under consideration of the Mysore Government and Andaman Administration respectively. Reports in respect of other areas including Madras State and Salem District in particular have not so far been received by Government.

Industrial Workers

***264. Shri Thimmaiah:** Will the Minister of Labour and Employment be pleased to state:

(a) whether evening classes for industrial workers have been started in any state; and

(b) if so, where?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). Evening Classes for 425 Industrial Workers have so far been approved for the States for Madras, Punjab, Rajasthan, Madhya Pradesh and Delhi.

Indians in Burma

***265. Shri V. Raju:** Will the **Prime Minister** be pleased to state:

(a) whether the Government of India have received any reports of the efforts made by the Indian Embassy in Rangoon to enquire into the condition of Indians in the districts outside Rangoon; and

(b) if so, the nature of the report?

The Deputy Minister of External Affairs (Shrimati Lakhmi Menon): (a) and (b). Our Embassy has sent no special report on the conditions of Indians living in districts outside Rangoon. We have a Consulate in Mandalay in Northern Burma and from the periodical reports sent by that office and from the tour reports of our Ambassador in Burma and his officers, it would appear that the main problems and difficulties facing Indians are the same all over Burma—whether in Rangoon or outside. I may assure the Honourable Member that our Embassy in Burma is doing everything it can to help all Indian nationals in Burma wherever they may be residing.

सहकारी सूत की मिलें

*२६६. **श्री भदौरिया** : क्या **वाणिज्य तथा उद्योग** मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या सरकार ने हथकरघे के कपड़े का उत्पादन बढ़ाने के लिये सहकारी क्षेत्र में सूत की और अधिक मिलें खोलने की कोई योजना बनाई है;

(ख) यदि हां, तो वह क्या है; और

(ग) क्या इन सहकारी सूत मिलों मे राज्य के भाग लेने के प्रश्न के बारे में कोई निश्चय किया गया है?

वाणिज्य मंत्री (श्री कानूनगो) : (क) जी नहीं,

(ख) प्रश्न नही उठता।

(ग) जी, हां।

Manufacture of Power Alcohol

***267. Sardar Iqbal Singh:** Will the Minister of **Planning** be pleased to state:

(a) whether any scheme for the manufacture of Power Alcohol has been submitted to the Planning Commission by the Punjab State Government;

(b) if so, what are the salient points in the scheme; and

(c) whether any decision has been taken by the Planning Commission?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) No, Sir.

(b) and (c). Do not arise.

Pakistan Military Bases in Gilgit

***268.** **Shri D. C. Sharma:**
Shri Gajendra Prasad Sinha:
Shri Mahanty:
Shri Panigrahi:
Shri Rameshwar Tantia:
Shri Raghunath Singh:
Pandit D. N. Tiwary:
Shri Naushir Bharucha:

Will the **Prime Minister** be pleased to state whether Government are aware that the Pakistan Government is building up military bases at Gilgit and Chitral in the Pakistan occupied Kashmir?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): The Government of India have been so informed, and further that Pakistan has increased its military potential in various ways in Pakistan-occupied Kashmir.

National Productivity Council

***270.** **Shri Shree Narayan Das:**
Shri Radha Raman:
Shri D. C. Sharma:
Dr. Ram Subhag Singh:
Shri Ajit Singh Sarhadi:

Will the Minister of **Commerce and**

Industry be pleased to state:

(a) whether the proposal of establishing a National Productivity Council has been finalised; and

(b) if so, its constitution, organisational set up and precise functions?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). The proposals are under Government's consideration.

Janata Model Radio Sets

***271. Dr. Ram Subhag Singh:**
Shri Bahadur Singh:

Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether Government have prepared any scheme for the manufacture of Janata model radio sets;

(b) if so, the nature of that scheme; and

(c) how soon Government expect to start production of such radio sets under this scheme?

The Minister of Information and Broadcasting (Dr. Keskar): (a) No, Sir.

(b) and (c). Do not arise.

Swang Railway Colliery

***272. Shri T. B. Vittal Rao:** Will the Minister of **Labour and Employment** be pleased to state:

(a) whether the Court of Inquiry under Regulation 48 of the Indian Coal Mines Regulation, 1926 set up to inquire into the conduct of the Manager of Swang Railway Colliery for violation of the provisions of the Mines Act, 1952 has since submitted their report;

(b) if so, the findings of the Report; and

(c) what further action is being taken by Government?

The Deputy Minister of Labour (Shri Abid Ali): (a) No. The Agent and Manager have filled writ petitions in the High Court of Judicature, Patna against the decision to proceed against them under Regulation 48. The High Court have stayed the proceedings of the Court of Inquiry.

(b) and (c). Do not arise.

Small Scale Industries

***273. Shri Harish Chandra Mathur:** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to Starred Question No. 1498 on the 5th September, 1957 and state:

(a) the progress made to make electricity available to Small Industries at Subsidised rates; and

(b) whether the Central Government proposes to give any assistance to implement this scheme of subsidy?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). A statement is laid on the Table of Lok Sabha. [*See* Appendix II, annexure No. 2.]

National Industrial Development Corporation

***274. Shri Morarka:**
Shri Nathwani:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) the general principles followed by the National Industrial Development Corporation in sanctioning loans for the rehabilitation and modernisation of the cotton textile industry and jute industry;

(b) whether Government intend to expand the activities of the Corporation so as to extend similar financial help to other industries; and

(c) the amount actually paid so far to the Cotton Textile Mills and Jute Mills as loans for the rehabilitation of these industries?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). A statement is laid on the Table of the Lok

Sabha. [*See* Appendix II, annexure No. 3.]

Small Scale Industries Board

*275. { **Shri N. R. Munisamy:**
Shri Raghunath Singh:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) what are the recommendations adopted by the Small Scale Industries Board in its Ninth meeting held recently in New Delhi for intensifying the development of small industries in India;

(b) whether any provision of credit facilities was made for the leather, hide and skin industry and if so, what is the procedure; and

(c) whether all the recommendations will be placed on the Table?

The Minister of Industry (Shri Manubhai Shah): (a) and (c). A copy of the minutes of the Ninth meeting of the Small Scale Industries Board is laid on the Table of the Lok Sabha. [Placed in Library. *See* No. LT-375/57.]

(b) The Board recommended that the Reserve Bank of India may be asked to take steps for conducting preliminary investigations in regard to leather industry with a view to enable the Bank to decide whether financing could be done in respect of this industry through a State Cooperative Banks or a State Financial Corporations. The investigations will begin by the middle of December.

Foreigners in Defence Services

*276. **Shri Rameshwar Tantia:** Will the **Prime Minister** be pleased to state whether the Government of India have received any reply from Pakistan to our Prime Minister's offer to publish the names of all foreigners employed directly or indirectly in the defence services of India, if Pakistan would do so likewise?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): There has been no reaction from the Pakistan Government.

Indo-Pakistan Trade

*277. **Shri Raghunath Singh:** Will the Minister of **Commerce and Industry** be pleased to state whether it is a fact that the Government of India has decided to issue additional licences to importers of Goods from Pakistan?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): No, Sir. Perhaps, the Honourable Member has in his mind the procedure providing for grant of licences to Established Importers having past imports from Pakistan to their credit. These licences are also granted on the basis of quota percentage applicable to Soft Currency Area and are valid for imports from the whole of that area.

China's Admission to U.N. General Assembly

*279 { **Shri D. C. Sharma:**
Shri Rameshwar Tantia:
Shri Bibhuti Mishra:

Will the **Prime Minister** be pleased to state:

(a) whether India initiated the question of admission of the People's Republic of China to the United Nations General Assembly on the 14th September, 1957; and

(b) if so, with what result?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes.

(b) India's proposal was lost.

Export of Monkeys

*280. **Shri Rameshwar Tantia:** Will the Minister of **Commerce and Industry** be pleased to state the latest figures of monkeys exported to foreign countries during this year for the purpose of scientific research?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): 84,649 monkeys were exported during January-June 1957 for purposes of medical research and preparation of Polio vaccine. Figures for later months are being collected and will be laid on the Table of the Lok Sabha.

Export of Manganese Ore

*281. **Shri Raghunath Singh:**
Shri Heda:
Shri Damani:
Dr. Ram Subhag Singh:

Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Government are aware that transport problem has taken an acute turn for the exporters of manganese ore;

(b) whether it is a fact that the Madhya Pradesh Mineral Industry Association has demanded 'Guarantee Transport' for all the quota of 4,80,000 tons of manganese ore registered for export in the names of private exporters; and

(c) if so, the action taken or proposed to be taken in the matter?

The Minister of Commerce (Shri Kanungo): (a) No, Sir. In fact in some sectors, there has been some improvement.

(b) and (c). A representation to this effect has been received. Government are in no position to give any such guarantee.

Refugees with False Migration Certificates

368. **Shri Dasaratha Deb:** Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) whether refugees with false migration certificates are still entering Tripura;

(b) if so, their number since January, 1957; and

(c) what benefit are they getting from the Relief and Rehabilitation Department of Tripura?

The Parliamentary Secretary to the Minister of Rehabilitation and Minority Affairs (Shri P. S. Naskar): (a) No.

(b) and (c). Do not arise.

Ashoka Hotel

369. **Shri Sugandhi:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether Government are aware that many cracks in the reinforced concrete cement roof slab of the Ashoka Hotel were noted and then remedied later on;

(b) whether Government are also aware that many vertical cracks appear on the walls of the flats of the 7th and the 8th storey;

(c) the specifications prescribed for laying the roof slab and for plastering the side walls;

(d) the names of the contractors who were given contract;

(e) the reasons for these cracks;

(f) how Government are remedying these defects to create confidence among the tourists who intend to stay there; and

(g) whether Government have taken any suitable action for these lapses against the persons concerned?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) There are no cracks on the reinforced cement concrete roof slab of the Ashoka Hotel. Presumably the hair cracks on the crazy mosaic flooring on the terrace have been misconstrued as cracks on the reinforced cement concrete slab. Crazy mosaic flooring usually develops hair cracks due to exposure to the severity of the climate but these do not cause any structural weakness to the reinforced cement concrete roof slab.

(b) There are no vertical cracks in the walls of the flats of the 7th and 8th storeys. There are, however, two expansion joints provided, as per design, in the building which extend from the foundation to the full height of the building.

Hair cracks usually develop due to temperature variations during the year on the filler walls by the side of expansion joint but these hair cracks do not impair the strength of the structure which is reinforced cement concrete framed structure.

(c) The roof slabs are reinforced cement concrete 1:2:4 (1 cement : 2 Badarpur sand: 4 aggregate) of designed thickness and with designed reinforcement. The side walls inside the building are plastered with cement plaster 1:3 (1 cement : 3 Badarpur sand) ¾" thickness with a finishing coat of Neru Plaster. The external walls are of ¾" thick textured sand faced plaster in two coats-base coat 1:3 (1 cement : 3 Badarpur sand) and top coat 1:2 (1 cement : 2 Badarpur sand) finished to give a textured raised grain effect..

(d) The contract for the work was given to:—

(1) M/s. Tirath Ram for general building work and

(2) M/s Northern India Tiles Corporation for the crazy mosaic flooring on the terrace.

(e) Hair cracks usually appear due to severity of climate and variations in temperature.

(f) Hair cracks do not normally shake the confidence of any one. In any case, the hair cracks are immediately treated with cement mortar and lime putty.

(g) As there are no lapses as such, no action is called for.

Displaced Persons in Madhya Pradesh

370. **Shri J. P. Jyotishi:** Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) the number of displaced persons from East and West Pakistan resettled in the different districts of the Madhya Pradesh so far;

(b) the number of families whose claims have been paid up so far;

(c) the amount paid in (i) cash and (ii) kind; and

(d) how many claims and of what amount are yet to be paid?

The Parliamentary Secretary to the Minister of Rehabilitation and Minority Affairs (Shri P. S. Naskar): (a) The number of displaced persons settled in the different districts of Madhya Pradesh is not readily available. The number of claimant displaced persons who have settled in Madhya Pradesh and have filed compensation applications is 26,277.

(b) Upto 30th September, 1957, payment has been made to 14,619 claimants.

(c) The break up of the amount paid upto 30th September, 1957 is as follows:—

(i) by cash ..	Rs. 2,21,55,097/-
(ii) by transfer of	Rs. 36,77,235/-
(iii) by adjustment of public dues.	Rs. 1,15,27,818/-

(d) The number of claimants who have yet to be paid is 11,658. Approximate amount payable to them is Rs. 2,90,00,000/-.

Goan Recruits

371. **Shri Shree Narayan Das:** Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that eleven Goan recruits, including a Portuguese soldier after having deserted their posts sought asylum in India in the month of September last; and

(b) if so, whether they have made any statement about the circumstances in which they did so?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). One Portuguese European Soldier came for refuge in India during September, 1957. He said to the Border Authorities that he was tired of the treatment given him by the Portuguese.

नेपाल को चावल

३७२. **श्री विभूति मिश्र** : क्या प्रधान मंत्री २१ अगस्त, १९५७ के अतारांकित प्रश्न संख्या ७७८ के उत्तर के संबंध में यह बताने की कृपा करेंगे कि नेपाल को प्रति मन किस दर पर चावल दिया गया है ?

प्रधान मन्त्री तथा वैदेशिक कार्य मंत्री (श्री जवाहरलाल नेहरू) : कलकत्ता स्टेशन पर १८ रु० प्रति मन के हिसाब से बेचा गया ; इस को नैपाल ले जाने का खर्च नैपाल सरकार को उठाना होगा ।

Porcelain Factory, Bangalore

373. **Shri Keshava:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) how many Japanese experts are at work at the Porcelain Factory, Bangalore; and

(b) since when they are working and with what emoluments?

The Minister of Industry (Shri Manubhai Shah): (a) Four.

(b) Two Engineers from 5-9-1955 and two from 27-2-1956. The emoluments of two of these engineers are Rs. 1,500 per month each and of the other two Rs. 1,200 per month each.

Manganese Ore

374. **Shri Heda:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) the position of Indian Manganese ore exports to West Germany; and

(b) what chances are there for its increase and by how much?

The Minister of Commerce (Shri Kanungo): (a) Exports of Indian manganese ore to West Germany during the years 1955, 1956 and 1st half of 1957 were 39,356 tons, 62,781 tons and 1,10,893 tons respectively.

(b) In the present market conditions, it would be hazardous to make any precise fore-cast.

आकाशवाणी का दिल्ली केन्द्र

३७५. **श्री भक्त दर्शन** : क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि पिछले कुछ वर्षों से आकाशवाणी के दिल्ली केन्द्र से गढ़वाली बोली के लोक-गीत भी प्रसारित किये जा रहे हैं ;

(ख) यदि हां, तो १९५६-५७ में कितने गढ़वाली लोक-गीत प्रसारित किये गये ;

(ग) यह प्रसारण औसत कितने समय तक किया गया ;

(घ) क्या सरकार को गढ़वाली कार्यक्रम के लिये एक स्वतंत्र विभाग स्थापित करने, कार्यक्रम का समय तथा उसकी संख्या बढ़ाने और इन कार्यक्रमों का स्तर ऊंचा करने आदि के सम्बन्ध मे कोई सुझाव प्राप्त हुए हैं ; और

(ङ) यदि हां, तो इन सुझावों के बारे में क्या कार्यवाही की गई है ?

सूचना और प्रसारण मन्त्री (डा० केसकर) : (क) जी, हां ।

(ख) लगभग १६० गीत ।

(ग) गढ़वाली गीत बुद्धवार को १० मिनट और शनिवार को ५ मिनट तक प्रसारित किये जाते हैं ।

(घ) तथा (ङ). जी हां । यद्यपि यह सम्भव नहीं हो सका कि गढ़वाली प्रोग्रामों के लिये एक अलग इकाई स्थापित

की जावे, ताहम इस बात की कोशिश की गई है कि इन प्रोग्रामों को ज्यादा मनोरंजक और बेहतर बनाया जा सके। कुछ ऐसे कार्यक्रम भी शुरू किये गये हैं जिन में वे प्रसारण शामिल हैं जो स्टुडियो से बाहर होते हैं। पिछले रेडियो सप्ताह में, एक गढ़वाली लोक-संगीत मण्डली दिल्ली स्टेशन पर बनाई गई थी जिसके द्वारा कई कार्यक्रम प्रसारित किये गये और उनके रिकार्ड बनाये गये।

पहले पहल कलाकारों के चुनाव में कुछ कठिनाइयां पेश आईं और गढ़वाली संगीत कार्यक्रम में ज्यादातर ग्रामोफोन रिकार्ड ही होते थे। चूंकि गढ़वाली संगीत के रिकार्ड बाजार में बहुत कम मिलते थे, इसलिये एक मण्डली कुछ कार्यक्रमों के रिकार्ड तैयार करने के लिये गढ़वाल भेजी गई। इस बात की भी कोशिश की गई है कि दिल्ली में उपलब्ध कलाकारों के द्वारा ज्यादा से ज्यादा जीवन्त गढ़वाली संगीत प्रस्तुत किया जावे। आजकल आकाशवाणी दिल्ली के पेनिल पर १५ गढ़वाली कलाकार हैं।

Waste Cotton and Rayon Yarn

376. **Shri S. R. Arumugham:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) how many mills are manufacturing waste cotton and rayon yarn in Madras State;

(b) how many spindles were allotted to these mills from the recent allotment; and

(c) what is the monthly output of these mills?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). A statement is laid on the Table of Lok Sabha. [*See* Appendix II, annexure No. 4.]

Coffee Exports

377. **Shri Abdul Salam:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether Foreign Government are negotiating with this Country for further purchase of coffee;

(b) if so, the success so far achieved;

(c) names of the Countries which are negotiating with this Country for the purchase of coffee;

(d) what are the prospects; and

(e) the total area brought under tea and coffee cultivation in Madras State during each of the last two years?

The Minister of Commerce (Shri Kanungo): (a) and (b). Yes, Sir. In September, 1957, there was an enquiry from East Germany through the State Trading Corporation of India (Private) Ltd., for purchase of Coffee. In connection with this enquiry, 225 tons of plantation A and 175 tons of Plantation B coffee have been sold. In the first week of October, 1957, there was an enquiry from U.S.S.R. for purchase of coffee and 500 tons (consisting of 400 tons Plantation and 100 tons Arabica Cherry) were offered to them. The deal, however, did not materialise and hence 400 tons Plantation Coffee have been offered to East Germany in connection with a further enquiry. The deal is yet to be concluded.

(c) U.S.S.R., East Germany, Czechoslovakia, Yugoslavia, Poland, Belgium, Norway, Sweden and West Germany.

(d) It is expected that U.S.S.R. and East Germany will regularly purchase their requirements of coffee from India. Further, the prospects of export of coffee to the other East European countries also appear to be bright. Although Poland and Czechoslovakia have been getting their requirements of coffee from the Brazilian markets, the introduction of Indian Coffee into these countries has met with a reasonably satisfactor response.

(*e*) *Tea:*

	Acres
1955-56	655·02
1956-57	531·73

Coffee:

The actual area under coffee as on 1-7-1955 and 1-7-1956 is as follows:—

1-7-1955	63984 acres.
1-7-1956	63629 acres.

The fresh area brought under Coffee cultivation in any one year will be of the order of a few hundred acres only. The figures regarding acreage on 1-7-1957 are not yet available.

विदेशी राजदूतावासों में भारतीय बच्चों की शिक्षा

३७८. **श्री रघुनाथ सिंह** : क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि क्या सरकार अफगानिस्तान में भारतीय राजदूतावास या किसी अन्य सरकारी कार्यालय अथवा संयुक्त राष्ट्र संघ की ओर से किसी काम में लगे हुए भारतीय राष्ट्रजनों के बच्चों की शिक्षा के लिये कोई व्यवस्था कर रही है विशेष रूप से इस बात को देखते हुए कि वहां शिक्षा की सुविधायें नगण्य सी है ?

प्रधान मंत्री तथा वैदेशिक कार्य मंत्री (श्री जवाहरलाल नेहरू): हाल में ही संसद् सदस्यों का जो दल अफ़गानिस्तान गया था, उस के एक प्रस्ताव पर विचार किया जा रहा है ; इसमें हमारे अफ़गानिस्तान-स्थित राजदूत से भी सलाह ली जा रही है ।

पीतल के बर्तन का उद्योग

३७९. **श्री रघुनाथ सिंह** : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि क्या यह सच है कि सरकार ने पीतल के बर्तनों के उद्योग की उन्नति के लिये एक आदर्श योजना बनाई है ?

उद्योग मंत्री (श्री मनुभाई शाह) : लघु उद्योगों के विकास आयुक्त के कार्यालय ने पीतल के बर्तन बनाने की एक "आदर्श योजना" बनाई है ।

Small Scale Industries

380. **Shri S. M. Banerjee:** Will the Minister of **Commerce and Industry** be pleased to state the amount sanctioned to Uttar Pradesh for Small Scale Industries under the Second Five Year Plan?

The Minister of Industry (Shri Manubhai Shah): A statement is laid on the Table of the Lok Sabha. [*See* Appendix II, annexure No. 5.]

Bidi Industry in Tripura

381. **Shri Dasaratha Deb:** Will the Minister of **Rehabilitation and Minority Affairs** be pleased to refer to the reply given to Unstarred Question No. 399 on the 31st July, 1957 and state:

(a) whether Government are aware that most of the schemes for starting *Bidi*, industry in Tripura are facing great difficulties because of large scale arrival of *Bidis* from outside the territory;

(b) if so, how Government propose to overcome these difficulties; and

(c) whether Government are aware that private individuals or firms who have been advanced loan on condition that they would employ displaced persons, have failed to provide jobs as agreed upon?

The Parliamentary Secretary to the Minister of Rehabilitation and Minority Affairs (Shri P. S. Naskar): (a) No.

(b) Does not arise.

(c) No. A large number of displaced persons have been employed in these schemes.

Displaced Persons in Tripura

382. **Shri Dasaratha Deb:** Will the Minister of **Rehabilitation and Minority Affairs** be pleased to refer to the reply given to Unstarred Question No. 186 on the 23rd July, 1957 and state:

(a) whether the report of the Statistical survey of displaced persons in

Tripura, undertaken by the Rehabilitation Department of the Tripura Administration in 1956 is ready; and

(b) if so, when it is likely to be published?

The Parliamentary Secretary to the Minister of Rehabilitation and Minority Affairs (Shri P. S. Naskar): (a). The report is still under preparation.

(b) The Tripura Administration will take appropriate action after it has been completed.

Khadi

383. **Pandit D. N. Tiwary:** Will the Minister of **Works, Housing and Supply** be pleased to state the amount of *Khadi* purchased by the Central Government in the special concession period that is from 15th August to 30th of September, 1957?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): Orders for 3,05,988 yards and 51,775 Nos. of piece goods of *khadi* of the value of Rs. 5,29,712 and Rs 98,028 respectively were placed by the Directorate General of Supplies and Disposals during this period. The special concession was not applicable to the whole-sale purchases made for the Central Government Departments through the *khadi* and Village Industries Commission.

Textile Inquiry Commission

384. **Shri Raghunath Singh:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that the executive committee of the Rashtriya Mill Mazdoor Sangh of Bombay demanded the appointment of an inquiry commission to look into the affairs of the textile industry including the existing price structure; and

(b) if so, the reactions of Government thereto?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir.

(b) The suggestion was carefully considered, but the appointment of an Inquiry Commission was not considered necessary.

Displaced Persons' Claims

385. **Shri Ajit Singh Sarhadi:** Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) the scale of grant being paid to the displaced persons in lieu of their claims rejected under Rule 65 of the Rehabilitation Rules; and

(b) whether Government have considered the feasibility of giving such displaced persons option to accept the land allotment and if they refuse to take possession of the area allotted and to admit their claims for houses and give them compensation like others?

The Parliamentary Secretary to the Minister of Rehabilitation and Minority Affairs (Shri P. S. Naskar): (a) No grants are paid to the displaced persons to whom no compensation is admissible under Rule 65 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955.

(b) Rule 65 does not provide for any such option. At this stage of the compensation scheme it would not be feasible to reopen claims rejected under Rule 65.

विस्थापित भारतीय विद्यार्थी

३८६. **श्री प० ला० बारूपाल :** क्या **पुनर्वास तथा अल्पसंख्यक-कार्य** मंत्री यह बताने की कृपा करेंगे कि :

(क) कितने ऐसे भारतीय विद्यार्थी विभाजन से पूर्व वर्तमान पाकिस्तान में स्थित कालेजों मे पढ रहे थे जबकि उनके परिवार भारत मे रहते थे और जिनके पास पाकिस्तान मे कोई चल या अचल सम्पत्ति नही थी ; और

(ख) विभाजन के पश्चात् कितने ऐसे विद्यार्थी भारत आये जिन के साथ दिल्ली मे मकान देने के विषय में विस्थापित व्यक्तियों के समान व्यवहार किया गया अथवा जिन्हें अन्य ऐसी सुविधायें दी गई जोकि विस्थापित व्यक्तियों को दी गई हैं ?

पुनर्वास तथा अल्पसंख्यक-कार्य मंत्री के सभा-सचिव (श्री पू० शे० नास्कर) : (क) तथा (ख). जानकारी उपलब्ध नहीं है और विभाजन के दस साल बाद इसे एकत्रित करने में जितना समय और मेहनत लगेगी, उस के बराबर प्राप्त होने वाला परिणाम नहीं होगा ।

दिल्ली की कपड़ा मिलें

३८७. **श्री रा० कृ० वर्मा** : क्या श्रम और नियोजन मंत्री यह बताने की कृपा करेंगे कि दिल्ली की कौन कौन सी कपड़ा मिलों में २ अक्तूबर, १९५७ को महात्मा गांधी के जन्म दिन के उपलक्ष में श्रमिकों को छुट्टी दी गई थी ?

श्रम उपमंत्री (श्री आबिद अली) : दि देहली क्लाथ मिल्स ।

Employment Exchanges

388. **Shri Assar:** Will the Minister of **Labour and Employment** be pleased to state:

(a) whether there is any arrangement in Employment Exchange offices to register persons who wish to serve in any part of India;

(b) whether there is any arrangement in Employment Exchange Offices for the persons who wish to serve in the Andaman and Nicobar Islands; and

(c) if not, whether Government will consider opening a Central Employment Exchange for such services?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). Yes.

(c) Does not arise.

Land Reform Panel

389. **Shri T. K. Chaudhuri:** Will the Minister of **Planning** be pleased to state:

(a) the name of the State or States where the recommendations of the Panel on Land Reforms have been given effect to; and

(b) the name of the State or States where no legislation for the abolition of feudal or private land lordism or the system of intermediaries between the State and the tenant cultivators have yet been introduced?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) and (b). A statement is placed on the Table of the Lok Sabha. [Placed in Library. *See* No. **LT-376/57.**]

Indians in Ceylon

390. **Shri Shivananjappa:** Will the **Prime Minister** be pleased to state:

(a) whether the Labour Minister of Ceylon recently announced a new scheme to implement Government's Ceylonisation Policy on Estates; and

(b) if so, whether this new policy affects the surplus Indian immigrant labour?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes, Sir.

(b) The Government of Ceylon have assured the Indian High Commissioner in Ceylon that their intention is not to disturb anyone already employed, but only to ensure that new vacancies or new jobs are shared, particularly, those in entirely new areas that are to be opened up and put under tea, under expansion schemes already contemplated.

Allocation to Himachal Pradesh for the Second Five Year Plan

391. **Dr. Y. S. Parmar:** Will the Minister of **Planning** be pleased tc state:

(a) the toal amount sanctioned fo Himachal Pradesh towards planned expenditure under the Second Five Year Plan for 1956-57 and 1957-58 and the amount spent towards the plan in 1956-57 and in 1957 upto 31st August

(b) whether it is a fact that the progress of the Plan in Himacha Pradesh is according to schedule; an

(c) if not, what steps Government propose to take to accelerate it?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) to (c). Against the Five year outlay of Rs. 1472·53 lakhs, and amount of Rs. 288·90 lakhs was budgetted for 1956-57 and a provision of Rs. 321·30 lakhs made for 1957-58. Details of expenditure incurred are not yet available. A statement showing the progress of expenditure is laid on the Table of the Lok Sabha. [*See* Appendix II, annexure No. 6]. Further information is awaited from the Himachal Pradesh Administration.

Handloom Industry in Mysore

392. Shri T. Subramanyam: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the amount spent in the State of Mysore for the development of handloom industry during 1956-57; and

(b) the main items on which the expenditure was incurred; and

(c) the proposed allotment for 1957-58?

The Minister of Industry (Shri Manubhai Shah): (a) Rs. 20,97,000/- (Rs. 2,32,575/- actual for 1-4-56 to 31-1-57; anticipated for February and March 1957 Rs. 7,50,000/- and Rs. 11,14,425/- placed at disposal of State Government by Accountant General, Central Revenues.)

(b) Loans for share and working capital for bringing in weavers into the co-operative fold, loans to Apex Society for marketing and grants for purchase of looms accessories and organisational expenses.

(c) Rs. 34,22,546|-.

हथकरघे

३९३. **श्री भदौरिया :** क्या वाणिज्य तथा उद्योग मंत्री १५ जुलाई, १९५७ के तारांकित प्रश्न संख्या ३५ के उत्तर के सम्बन्ध मे यह बताने की कृपा करेंगे कि देश में रजिस्टर्ड हथकरघों की राज्यवार संख्या कितनी है ?

उद्योग मंत्री (श्री मनुभाई शाह) : एक विवरण सभा की मेज पर रखा जाता है। [देखिये परिशिष्ट II, अनुबन्ध सं० ७]

Employment Target under the Second Five Year Plan

394. { Shri Kodiyan:
Shri Surendranath Dwivedy:

Will the Minister of **Labour and Employment** be pleased to state:

(a) the targets for additional employment during the first two years of the Second Five Year Plan;

(b) whether the target fixed for 1956-57 has been achieved; and

(c) the number of persons provided additional employment during the first six months of 1957?

The Deputy Minister of Labour (Shri Abid Ali): (a) to (c). No specific targets of additional employment for the first two years of the Second Five Year Plan have been fixed. Information on the points raised is not available at present.

Border Raids

395. Sardar Iqbal Singh: Will the **Prime Minister** be pleased to state:

(a) the number of border incidents which have occurred during the period from the 1st July to the end of 31st October, 1957 on the Indo-Pakistan borders of West Pakistan; and

(b) the extent of loss of life and property on the Indian side?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). A statement is laid on the Table of the Lok Sabha giving information about the number of incidents on the borders of Punjab and Rajasthan during the period from 1st July to 31 October, 1957 and those on the borders of Jammu & Kashmir State (including the Cease-fire line) and Kutch (Bombay) during the period from 1st to 15th September, 1957 [*See* Appendix II, annexure No. 8.] Information in respect of these two States for the period from 16th September, 1957 to 31st October, 1957 has not become available as yet.

Foreign Delegations

396. Sardar Iqbal Singh: Will the **Prime Minister** be pleased to state the number of foreign delegations which visited India since the 1st January, 1957?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): The information is being collected and will be placed on the Table of the House.

Cottage Industries

397. Sardar Iqbal Singh: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the amount allocated to Punjab for the development of cottage industries during the years 1954-55, 1955-56, 1956-57 and 1957-58 so far; and

(b) how much amount has been utilised year-wise so far?

The Minister of Industry (Shri Manubhai Shah): (a) The amounts allocated to the Punjab for the development of cottage industries (handloom, handi crafts, sericulture, khadi including Ambar khadi and village industries) duirng the four years are as follows:—

(in lakhs of rupees)

Name of the industry	1954-55	1955-56	1956-57	1957-58
Handlooms	5.80	3.73	10.63	2.65
Handicrafts	0.48	1.32	1.83	2 85
Sericulture	0.11	0.59	0.75	0.81
Khadi (including Ambar Khadi)	8.86	37.88	86.26	0.97*
Village industries	1.61	14.74	18.91	3.13
Total . .	16 86	58.20	118.38	10.41

*This figure refers only to Ambar Khadi. The allocation for the other variety of khadi is still under the consideration *of the Khadi & Village* Industries Commission.

(b) the amount utilised are as follows:—

(in lakhs of rupees)

Name of the industry	1954-55	1955-56	1956-57	1957-
Handloom	3.16	6 59	10.79	The utilisation report will be available after the end of the year.
Handicrafts	nil	nil	0.65	
Sericulture	0.10	0.09	0.26	
Khadi including Ambar Khadi	**	**	**	
Village industries	**	**	**	
Total . .	3.26	6.68	11 70	

**The actual utilisation figures will be laid on the Table of the Sabha when received from the Khadi & Village Industries Commission. It may, however, be added that though utilisation figures are not available, the All India Khadi & Village Industries Board in the years preceding 1957-58 disbursed the following amounts for the Khadi & Village Industries schemes in the Punjab State:-

(in lakhs of Rupees)

Name of the industries	*1954-55*	*1955-56*	*1956-57*
Village industries	1.61	5.92	11.53
Khadi including Ambar Khadi	8.86	37.88	67.15

Faridbad and Rajpura Townships

398. Sardar Iqbal Singh: Will the Minister of **Rehabilitation and Minority Affairs** be pleased to state:

(a) the initial cost of construction of the Faridabad and Rajpura Townships;

(b) the number of displaced families settled there permanently; and

(c) the number of displaced families which have not been allotted any accommodation and the reasons therefor?

The Parliamentary Secretary to the Minister of Rehabilitation and Minority Affairs (Shri P. S. Naskar): (a)

Faridabad	Rs 293.86 lakhs
Rajpura	Rs 131.23 lakhs
(b) Faridabad	5373 families
Rajpura	2500 families.

(c) All registered displaced families have been provided with accommodation.

Employment Exchanges in Punjab

399. Sardar Iqbal Singh: Will the Minister of **Labour and Employment** be pleased to refer to the reply given to Starred Question No. 1440, on the 21st December, 1956, and state whether any new Employment Exchanges have since been set up in Punjab?

The Deputy Minister of Labour (Shri Abid Ali): The sanction of Government has since been accorded the opening of two additional Employment Exchanges in the Punjab, at Phagwara and Narnaul under the Second Five Year Plan.

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12 hrs.

PAPERS LAID ON THE TABLE

NOTIFICATIONS ISSUED UNDER THE EMPLOYEES' PROVIDENT FUND ACT

The Deupty Minister of Labour (Shri Abid Ali): Sir, I beg to lay on the Table, under sub-section (2) of Section 4 of the Employees' Provident Fund Act, 1952, a copy of each of the following Notifications, extending the provisions of the Employees' Provident Fund Act, 1952 to Industrial and Power Alcohol and Asbestos Cement Sheets industries and Coffee Curing Establishments with effect from the 30th November, 1957:—

(1) S.R.O. 3067, dated the 28th September, 1957.

(2) S.R.O 3411, dated the 26th October, 1957.

[*Placed in Library. See* No. LT-365/57].

AMENDMENTS TO THE EMPLOYEES' PROVIDENT FUND SCHEME

Shri Abid Ali: Sir, I beg to lay on the Table, under sub-section (2) of section (7) of the Employees' Provident Fund Act, 1952, a copy of each of the following Notifications, making certain further amendments to the Employees' Provident Fund Scheme, 1952:—

(1) S.R.O. 3374, dated the 19th October, 1957.

(2) S.R.O. 3375, dated the 19th October, 1957.

(3) S.R.O. 3376, dated the 19th October, 1957.

[*Placed in Library. See* No. LT-366/57].

REPORT OF FOODGRAINS ENQUIRY COMMITTEE

The Minister of Food and Agriculture (Shri A. P. Jain): Sir, I beg to lay on the Table a copy of the Report of the Foodgrains Enquiry Committee.

[*Placed in Library. See* No. LT-367/57].

THE PUNJAB REGIONAL COMMITTEES ORDER

The Minister of State in the Ministry of Home Affairs (Shri Datar): Sir, I beg to lay on the Table, in pursuance of an assurance given on the 23rd August, 1957 in reply to Starred Question No. 1112, a copy of the Punjab Regional Committees Order, 1957, published in the Notification No. S.R.O. 3524, dated the 4th November, 1957.

[*Placed in Library. See* No LT-368/57].

TERRITORIAL COUNCILS RULES

Shri Datar: Sir, I beg to relay on the Table, under sub-section (3) of Section 54 of the Territorial Councils Act, 1956, a copy of the Territorial Councils Rules, 1957 published in the Notification No. S.R.O. 2573, dated the 6th August, 1957.

[*Placed in Library See* No LT-369/57].

NOTIFICATION ISSUED UNDER INDUSTRIES (DEVELOPMENT AND REGULATION) ACT

The Minister of Industry (Shri Manubhai Shah): Sir, I beg to lay on the Table, under sub-section (4) of Section 30 of the Industries (Development and Regulation) Act, 1951, a copy of the Notification No. S.R.O. 2776, dated the 29th August, 1957 making certain amendment to the Central Advisory Council (Procedural) Rules, 1952.

[*Placed in Library. See* No. LT-370/57].

REPORTS OF TARIFF COMMISSION

Shri Manubhai Shah: Sir, I beg to lay on the Table, under sub-section (2) of Section 16 of the Tariff Commission Act, 1951, a copy of each of the following papers:—

(1) Report (1957) of the Tariff Commission on the continuance of protection to the Stearic Acid and Oleic Acid Industry.

(2) Government Resolution No. 2(2) TR/57, dated the 9th November, 1957.

[*Placed in Library. See* No. LT-371/57].

(3) Report (1957) of the Tariff Commission on the continuance of protection to the Automobile Leaf Spring Industry.

(4) Government Resolution No. 21(6) TR/57, dated the 9th November, 1957.

[*Placed in Library See* No LT-372/57].

(5) Report (1957) of the Tariff Commission on the continuance of protection to the Cotton Textile Machinery (Spinning ring frames, spindles, Spinning ring, Fluted rollers and Looms) Industry.

(6) Government Resolution No. 18(5)TR/57, dated the 15th November, 1957.

[*Placed in Library. See* No. LT-373/57].

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

EXPLOSION AT LAKHISERAI RAILWAY STATION

Shri S. M. Banerjee (Kanpur): Sir, under Rule 216, I beg to call the attention of the Minister of Railways to the following matter of urgent public importance and I request that he may make a statement thereon:—

> "Explosion at Lakhiserai Railway Station on 16th November, 1957."

The Deputy Minister of Railways (Shri Shahnawaz Khan): Four wagons sealed from Mokameh Ghat to Kiul, including wagons Nos. ER 90576 and CR 27892, were placed in the Goods Shed at Lakhiserai on the Eastern Railway on the morning of 16th November 1957, for adjusting and loading of small consignments. In the course of the adjustment of the packages, a package was taken from wagon No. ER 90576 at about 15.55 hours into wagon No CR 27892 by a porter named Jamedar. After this porter had entered into the latter wagon with the package, there was a loud explosion inside that wagon followed by a fire. The fire was extinguished by about 16·17 hours when the porter Jamedar was found dead in the wagon, his skull having been blown off and his body burnt and pierced with splinters. The packages in the wagon were found partly burnt and contents scattered on the floor of the wagon. Two other porters, named Gopi and Darogi, who were standing on the platform near the door of the wagon, sustained minor injuries from splinters which came out from the wagon.

The wagon in which the explosion took place, *viz*. CR 27892, was cordoned off and arrangements made to isolate it.

The wagon from which the package in question was taken out at Lakhiserai, *viz*. ER 90576, was loaded at Mokameh Ghat and contained 118 packages. The package which exploded was apparently a military consignment.

The Railway Magistrate, who was available on the spot, held an inquest and the dead body of Porter Jamedar was sent to Monghyr for post-mortem examination. The other two injured porters were treated by the Railway Doctor at Kiul and were allowed to go home. All the three porters were employees of the Handling Contractor. No other persons received any injuries.

There was no damage to the Goods Shed or any railway property, except that the wagon in which the explosion occurred, suffered some damage assessed at about Rs. 1,000. Some consignments in the wagon were also damaged, which is assessed at about Rs. 2,000. There was no other damage to public property.

The Assistant Operating Superintendent and the Assistant Commercial Superintendent, Dinapur, reached Lakhiserai on the evening of the explosion. The Superintendent, Government Railway Police, the Divisional Superintendent, Dinapur, and the Inspector of Explosives, Calcutta arrived Lakhiserai next morning. An officer of the Eastern Command, Lucknow, from the Pannagarh Military Depot also reached Lakhiserai on the morning of 18th.

After a preliminary inspection, the Inspector of Explosives, Calcutta, has reported that military ammunition comprising of anti-tank mine fuse No. 3—1 had exploded and that a number of live fuse and live parts were found lying strewn on the wagon floor as well as on the track of the Goods Shed siding. He has summoned an officer of the Ordnance Corps, Fort William, Calcutta, with demolition explosives for disposal of live fuse and live parts.

A senior scale railway officers' enquiry commenced on 18th November 1957 at Lakhiserai at which the Inspector of Explosives, Calcutta, Superintendent, Railway Police, Patna, a representative of the District Magistrate and the Superintendent of Police, Monghyr and the military officer from the Pannagarh Ammunition Depot, were present.

[Shri Shahnawaz Khan]

Pending the results of the enquiry it is not possible to say what had caused the explosion.

NAVY BILL—*Contd.*

Mr. Speaker: The House will now resume further discussion on the following motion moved by Shri Raghuramaiah on the 18th November, 1957, namely:—

> "That the Bill to consolidate and amend the law relating to the government of the Indian Navy as reported by the Joint Committee, be taken into consideration."

Out of 10 hours allotted for the various stages of the Bill, 48 minutes have already been availed of and 9 hours and 12 minutes now remain. Before I call upon Shri U. C Patnaik to continue his speech, I would like to ascertain from the House how many hours are to be allotted for the consideration stage and how many hours for the clauses.

Shri Naushir Bharucha (East Khandesh): I would suggest that the whole of today may be given for the first reading so that if any hon. Member wants to send in any amendment he will have time to do so, and the remaining 4 hours and 12 minutes may be given for the clauses.

Mr. Speaker: Is that enough?

Some Hon. Members: Yes.

Mr. Speaker: Now I would like to know how many hon. Members would like to participate in the general discussion. I find that there are about 16 to 17 Members. At the rate of 15 minutes for each Member it will take more than four hours. Hon. Members will, therefore, try to be brief and confine their remarks to 15 minutes if not less. Shri U. C. Patnaik may now continue his speech. I think he has already exceeded 15 minutes.

Shri U. C. Patnaik (Ganjam): No, Sir, I spoke only for five minutes when there was some interruption yesterday.

Mr. Speaker, Sir, speaking yesterday I was referring to the notes in the Joint Committee Report made by Dr. Barlingay and the hon. Member from Tehri-Garhwal, which referred to the formation of a Navy Council analogous, and modified to suit our requirements, to the Admiralty Board of U.K. The fundamental basis of the navy organisation and the various Navy Acts of the United Kingdom is the Board of Admiralty which has been in existence from 1708 under the Admiralty Act of 1619. This Act is supposed to be the basis on which all Naval Acts have been formulated. In 1903 a Commission under the chairmanship of Lord Asher was established to advise as to the creation of a Board on the lines of the Admiralty to carry on the higher administrative business of the War Office, which has led to the creation of the Army Council of 6-2-1904; the Air Force Constitution Act of 1907 provided for an Air Council on similar lines.

Thus we see that in the other country whose Acts we have practically followed, there have been three councils to expedite business and to decide matters of vital importance to the three services. These councils are the basic patterns of the United Kingdom defence organisation. All their Acts, laws and rules are formulated in this background. The idea is promptness and speed with which decisions are arrived at and implemented and also efficiency of work.

The three service chiefs do not exercise sole responsibility over their own services, but they share their responsibilities and power with senior staff officers of their own services. This system has been found so useful that other colonial countries have accepted them and some modifications have been introduced in other countries. We are also practically following them.

The only objection to this system was made a few months back by Field-Marshal Montgomery when he did not disapprove of the system but thought that a senior organisation was necessary. We are so far behind and we have such a slow-moving machinery that even what we have got is absolutely necessary for our country. I am not particular that this matter should be decided in this Bill, but it may be considered along with a proposal for an Air Council and an Army Council by Government, after the hon. Minister of Defence returns, and they can have it even at that stage. I would not object to it.

The Government may bring a comprehensive Bill for the three services for the organisation of councils of the kind mentioned by me. I have suggested that the Secretary of the Transport Ministry shall be associated with this Board. I have suggested that the Secretary and the Additional Secretary for Defence shall be members, that the Joint Secretary for Defence on the navy side should be the member-secretary, that the Financial Adviser should also be a member and that the Chief of the Naval Staff and the Chief of Staff (Personnel, Material and Air Arm) shall be the naval member. I have more particularly included the Secretary of the Transport Ministry because the navy has to be considered *vis-a-vis* the merchant navy or the mercantile marine.

The policy of other countries is that in regard to merchant shipping or mercantile marine, the navy is to be closely associated for the construction of ships and training and other facilities. In fact, in the United States of America, on 7-2-1942, two months after Pearl Harbour, a war-shipping organisation was established with the duty and authority to control the operation, purchase, charter and use of all non-naval vessels, inter-coastal and inland transportation, etc. The policy on which this arrangement was based is this. The merchant marine is the only arm of her national defence in time of peace. The British have always understood the principle of an active merchant marine as part of her military sea-power. The Germans and the Italians understood it. The Japanese understood it and undertook the building of a commercial fleet especially adapted to wartime use so that they could be commandeered for naval use.

In America they give all help, financial as well as technical, to the ship-building industry to provide them with gun replacements and other requirements so that in times of need, these merchant vessels could be commandeered for naval purposes. So, the merchant navy has always been considered to be an auxiliary to the naval organisation.

Secondly, I want that the Transport Ministry should be associated with the Defence Ministry for the purposes of port and harbour defence. This is the main concern of the three armed services under the overall direction of the navy. In all other countries, ports and harbours are controlled by these three services, the army for certain purposes, the navy for certain purposes and the air force for certain purposes and the combined defence organisation and operations are under the overall control of the navy.

In our country, in the major ports, you have got only the Transport Ministry in charge. There is a Port Trust in every port where the Transport Ministry is in charge. In some cases, there is one naval member or two naval members and in other cases, there is no naval member, with the result that ports are at the tender mercy of the Transport Ministry when it comes to the question of defence. There has been indeed no defence of the ports, no arrange-

[Shri U. C. Patnaik]

ment for port defence, in our country. For instance, Cochin has got so many naval establishments. It has got a commercial anchorage; it has got a naval anchorage; at the passage to both the anchorages, you have got the Candle Island which the Port Trust have granted to one foreign firm. Similarly, Willingdon Island in Cochin abuts the naval anchorage. Certain portions of it were required for naval purposes, but the Port Trust did not agree to it. They gave it away to some foreigners with the result that the protest of the navy could not be heard and we have got an organisation which in war may be a danger to our defence of Cochin. The same is the case with many other ports.

In the matter of port defence, they have got to have fixed defences, mobile defences, coastal defence, battery defence, Aak-Aak defence, underwater floating devices, harbour defences and various things.

Mr. Speaker: Some hon. Members have sent me their names. I find that so far about seven or eight Members have spoken during the general discussion before this Bill was referred to a Joint Committee. I do not propose calling them now. They have had an opportunity at that stage. I shall give opportunities to others. It is physically impossible to give opportunities to all the 500 Members or even the 15 hon. Members who had stood up. They can speak on the clauses but not now, during the general discussion, once again. Shri Naushir Bharucha need not wait, if he is ill.

Shri U. C. Patnaik: The objection relating to Cochin and its administration only by the Port Trust, practically to the exclusion of the navy—at least the navy is not effective in getting this demand implemented—applies more or less to the other major ports. In defence, in war—we hope there will be no war, but in case there are war conditions—we must ensure proper coastal defence and particularly the defence of our vital ports and harbours.

Then there is another matter in which I have brought in some amendments. We are told that the Indian Naval Forces Discipline Act has also been incorporated for the purpose of consolidation of this Act. But in the Indian Naval Reserve Forces Discipline Act, of 1939, there was provision for naval reserves, and for naval volunteer reserves, for naval fleet reserves and for naval communication reserves. We have not got any of these reserves now. There is only a small skeleton of a retired or discharged naval personnel in a very small and puny reserve organisation. I submit that although India had passed that Act in 1939, during all these years there has been no attempt to expand our reserve forces. Reserves are vital in defence organisation, because they can be maintained at much lesser cost than the standing forces. They can come as and when required Therefore, the scope for expansion of the reserves in every country is essential for the maintenance of standing forces, whether of the navy or the army or the air force. I submit that we have practically no reserves for the navy and also grandiloquently all these reserves have been put down towards the end. There is no reserve force except a small naval reverse. I submit that reserves have got to be organised and properly co-ordinated with national life In other countries, even for these national reserves, there are councils and boards, corresponding to the Territorial Army Committee and so on. We have got a Territorial Army Committee no doubt, but on the naval side, we have nothing. We should also have some of those things.

We have not got marine forces as other countries have. Although other countries have gone on to the submarine—in China they are themselves constructing submarines, as we have seen—we have no underservice fighting organisation. Very important is the fact that our naval ships do not have the stagmounting which other countries have. Modern anti-aircrafts, both heavy and light, have come which operate electronically. They not only detect the enemy plane electronically, but they pursue it electronically. We have got a few L—70s on the light aircraft side, as a result of our request made in this House a couple of years ago, but we have not anything on the heavy aircraft side. We have got still the old manually propelled anti-aircrafts. Our naval ships and our naval officers and seamen should feel that our Government is providing them with the best anti-aircraft dedence. Therefore, I would submit that stagmounting, which has been adopted in other countries, should have been adopted in our country also.

I have already submitted about lack of reserve strength. This has got to be expanded. I have also submitted that the port defence organisation has to be taken up. There are so many items of work on the naval side that have to be done, and it cannot be done now because the naval headquarters is not the ultimate authority itself. It is only a recommending authority and the recommendation of the naval headquarters is vetted for some months in the Defence Ministry; it is vetted for some months by the Financial Adviser, so that it cannot be implemented. Therefore, I submit that some such organisation is necessary to strengthen our navy and to see that it is commensurate with our national requirements. We also want that our naval arm should be strengthened in order to be able to defend the 3,500 miles of our coastline, to control the oceanic trade and to ensure port and harbour defence.

Shri Narayanankutty Menon (Mukandapuram): Mr. Speaker, the main objections that we take to the Bill have been incorporated by us in the note of dissent and I do not propose to repeat the points raised in the note of dissent. When the Bill was originally discussed, before it was referred to the Joint Committee, the hon. Defence Minister spoke about the long traditions of the people of India in naval matters. Also, when the hon. Deputy Minister commended this Bill, after the report of the Joint Committee, he spoke about those traditions. But both when the Bill was originally discussed before it was referred to the Joint Committee and also when the Bill was reported by the Joint Committee as it now appears before this House, we find that those traditions of the Indian people in naval matters have not only been not taken into consideration, but they have been totally ignored.

As has been put by the hon. Defence Minister, this Bill is almost a verbatim reproduction of the naval law of England, with the commendable exception that the Deputy Minister told the House yesterday, namely, that very salutary provision of appeal has been removed and therefore a distinction has been made from the United Kingdom naval law in this Bill. As far as traditions go, even though the British navy had a long tradition, as has been said, long long past in the uncertain dawn of history, even before Julius Caesar decided to export civilisation to that patch of island which we now call Great Britain, Indian ships fluttered their sails on the high seas. By paying lip service to those traditions, when formulating this Bill, when actually coming to the great principles of the Bill, trying to copy the laws of a nation whose navy was primarily intended not for the purpose of defence of the nation, but for a different purpose, if we look into the history of the British navy, is highly objectionable. It will be highly objectionable for our free and soverign democratic Republic of India to copy the provisions of law governing a navy whose primary objective, as history records and tells us, was only conquering other people's land.

Right in this century, even in our own memory, the boys of the Indian

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navy have created history and when Parliament enacts a law, the provisions of that law should contain a reflection of the experience of that navy which this law is to govern. Especially, this law governs the discipline of the navy. Regarding the discipline of the navy, there is a lot of experience that we ought to consider. There is a lot of experience of the Indian navy which the Members of the House and the Committee ought to consider But I should record with all respect to my colleagues on the Joint Committee that the absence of any evidence on record on which the Joint Committee could rely regarding the traditions, experience and the discipline of the Indian navy, has deprived the Members of this House very valuable material on which we could have formulated better provisions regarding the discipline of the navy.

The best document that could be relied upon on matters of discipline was the document submitted by the enquiry commission appointed in the year 1946 after the glorious R. I N. mutiny. Since India attained freedom, the hon Prime Minister referred to this R I. N episode as a landmark and the opening chapter in the history of the armed forces of this land. In the formation of the Bill, have the Government today considered that glorious episode in the freedom struggle of India? The mutiny originally started because of certain conditions inside the navy. Even though an impetus was given by the national movement then in India, because of very bad food in many of the ships in Bombay and because of the treatment that the Indian naval boys got in 1945-46 at the hands of British officers, there were small quarrels which ultimately broke out in the form of the mutiny of 1946. After the mutiny was over, a commission was appointed by the then Government of India, and the Commission, after taking elaborate evidence, came to a conclusion about the causes of the mutiny and made certain recommendations later on to be incorporated in the naval regulations.

Before the interim Government took charge, the defence headquarters did not release the contents of that report. But later on, whe the interim Government took charge on 8th June, 1947, the then Commander-in-Chief of the Indian Navy, Sir Geoffrey Miles, holding a press conference in Delhi, gave out certain points contained in the recommendations. The commission categorically recommended that the main cause of the R. I. N. mutiny in 1946 *inter alia* apart from the patriotic sentiment in the naval forces, was bad food and absence of any grievance procedure in the armed forces, whereby the boys could get their grievances redressed A strong recommendation was made by that commission that there should be a fool-proof grievance procedure, especially in the armed forces, to prevent any outbursts like the naval mutiny.

So, the experience of the naval mutiny of 1946 is there; we cannot forget it so soon These naval boys of that day, having no other way of getting their grievances of bad food and bad treatment at the hands of British officers redressed, motivated by highly patriotic sentiments, defied the entire forces of British imperialism in 1946 and hoisted the national tricolour on the then H. M I S *Godavari* in the Bombay harbour Today when we are enacting a legislation which governs the discipline of the Indian navy, we should remember the heroism of those boys, who have made a very great contribution in the struggle for the liberation of India. Not only that; let us learn from the experience of those boys, from the mistakes they committed, so that we can have today a fool-proof machinery, a fool-proof Act which governs the discipline of the naval forces.

Mr. Speaker: We are now discussing the Bill, as reported by the Joint Committee. We have already accepted the principle before sending it to the Joint Committee. Whatever changes the hon. Member wanted to suggest, he should have suggested in the Joint Committee. I now want to give opportunity to the members who have not spoken in the beginning and who were not members of the Joint Committee. I want to give preference to them The members of the Joint Committee will answer them. At that time they can say why they have differed on a particular clause. Otherwise, the debate will be endless.

Shri Narayanankutty Menon: We have given a Minute of Dissent.

Mr. Speaker: If he has nothing more to say, he will read the note

Shri Narayanankutty Menon: I Will explain it.

Mr. Speaker: By merely reading the note, members may not be convinced

Shri Narayanankutty Menon: I am elaborating them

Shri Jaipal Singh (Ranchi West—Reserved—Sch Tribes): In that case, may I suggest that a very profitable procedure would be to ask the non-Joint Committee members to speak first and then, at the end, give an opportunity to the members who have submitted Minutes of Dissent? Then, I hope those who have not dissented also have a right to speak If that procedure is adopted, that will be more profitable.

Mr. Speaker: Certainly, they will be given an opportunity. Instead of eulogising or condemning the Bill, let the members point out the issues on which they differ from the rest of the members of the Joint Committee, so that the House may be aware of that. Then I will give an opportunity to those who had no opportunity to speak at any time. Lastly, those hon. Members of the Joint Committee who supported the Bill will also be given an opportunity within the time allotted.

Shri Jaipal Singh: Why are we elbowed out up to the end?

Mr. Speaker: You will never be elbowed out Everyone will be given opportunity either in the general discussion or in the clause by clause consideration.

Shri Narayanankutty Menon: Coming to the details on which we have differed from the Joint Committee, the next point is regarding the drafting of the Bill. Regarding the drafting of the Bill, the hon Deputy Minister yesterday gave a tribute to the Draftsman and I agree with him. But the Draftsman can only draft the ideas put to him.

There are certain definitions which cannot be pointed out before this House *in toto*. But I will invite the attention of the hon. Members to a definition that is given in clause 42 to "mutiny". If you read clause 42(d), the definition of "mutiny" is "if two or more naval ratings inside the ship or when they are subject to Naval Law, do any act which embarrasses the lawful naval officer", that means, any officer present on the spot That is the definition of mutiny. And the punishment for that is death. What embarrasses, in a particular given moment, is that a commissioned officer depends upon the mentality and the subjective mental condition of that officer. If two naval ratings innocently get into the chamber of a ship and do some act which may embarrass the officer present, according to his mental condition, that is defined as mutiny I point out this because the word "misconduct" and an offence under this Act have been so vaguely worded that any innocent act of a rating could be termed either mutiny or a serious misconduct, for which the punishment is either death or imprisonment which extends to 14 years. I suggest that this House should seriously consider all the definitions given under this Act, remove those vague definitions and substitute instead very categorical, definite and clear terms whereby offences are defined so

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that later on this lacuna in the definition may not be misused by any officer.

The next point relates to the Fundamental Rights. When the Constitution was enacted, by article 33 of the Constitution, the Constituent Assembly delegated the powers of giving Fundamental Rights to the Armed Forces to this House. The Constituent Assembly decided that this House should, later on, decide the extent to which the Fundamental Rights could be abrogated in its application to the Armed Forces.

The Bill, as it comes from the Joint Committee, negatives the entire set of Fundamental Rights that have been guaranteed under articles in Chapter III of the Constitution. Speaking on this point, we may make it clear that we are as much interested and we are as much anxious about the discipline inside the Armed Forces as anybody else. But we believe that discipline cannot be maintained inside any branch of the Armed Forces by making more and more tight the liberties that have been guaranteed to them and by restricting or abrogating the Fundamental Rights that have been given by the Constitution. By totally negativing the Fundamental Rights that have to be given to the Navy people, we are not only doing an injustice to those boys, but we are undermining the cause of discipline itself.

Boys in their formative period of 15 years of age are recruited and taken away from their homes and they are put in ships, isolated and ostracised from society. Therefore, if you apply more and more restrictions on their mental development and their exercise of their rights and if certain primary freedom is not given for their expression, it will not end in a sense of more and more discipline on them; but it will end in a sense of frustration in them, which will undermine the cause of discipline.

Therefore, this House should seriously consider the provisions which restrict the Fundamental Rights given to those members of the Armed Forces and should remove certain restrictions so that cultural, scientific and social organisations could be formed in which the naval ratings could become members so that their anxiety for expression which is prevalent there may not end in a sense of frustration.

Then I come to a very dubious provision of this Bill. In England the Members of Parliament have the undoubted right to get representations from a member of the Armed Forces. Here, by the provisions of this Bill, it has been thrown into the dustbin. No member of the Armed Forces in India today, by the provisions of this Bill, has got the right to communicate with a Member of Parliament. I submit that the House should seriously consider this provision, which is a breach of privilege of this House.

In 1955 a similar question arose in England where a member of the Armed Forces wrote a letter to a Member of Parliament about one of his complaints and there was a threat to him from his superior officer. The matter was referred to the Privileges Committee of the House of Commons and the Privileges Committee reported that it has been the privilege of every Member of Parliament to get a communication regarding any complaint on administrative matters from a member of the Armed Forces and that privilege cannot be curtailed and there is a corresponding right for a member of the Armed Forces to communicate with Members of Parliament regarding his grievances. That position should be made clear in this Bill.

I then come to the question of appeal. In this Bill no provision has been made for appeal from any sentence by a court-martial. We have been told that we have been borrowing the provisions of the British Navy Bill. But one salutary principle of the English Navy that is incorporated in the Naval Discipline Act of England has been ignored by us and that is the right of appeal from any sentence of a court-martial. I submit before this

House that it is highly dangerous to entrust the court-martial alone to pass a sentence of death on a naval rating and thereby denying the naval rating the right of appeal to any other authority. In England, under the Court-Martial Appeal Act, there is a board which is presided over by the Lord Chief Justice. In the United States of America there is first a board, then the court-martial and then there is the appellate jurisdiction of the Federal Court and the Supreme Court also. There they have to follow the due process of law.

In Canada, a similar appeal is provided. In Australia, a similar appeal is provided. If all these countries which, started their Navy only a few years before, which have got experience of this matter, could provide for a judicial appeal from the conviction of the court martial, what prevents the Indian Navy from giving a right of appeal to a rating who has been condemned to death by a court martial, to seek the ordinary process of law where a High Court Judge or a Supreme Court Judge could decide his fate.

In conclusion, I would say, on the broad principles of the Bill, there are so any serious provisions which ought to be incorporated, which entirely change the structure of the Navy from the British pattern that we are following. Of particular importance is the question of promotion. We pointed out and it has been mentioned in our Note of dissent that there should be a statutory guarantee for the promotion of naval ratings. Unless that statutory guarantee is there, because they cannot get promotions after a number of years service, after being qualified to get promotions, and when officers are appointed, they are newly recruited, there will be a sort of frustration and stagnation in the mind of the ratings which will undermine the general discipline and also the initiative. This should be removed and the provisions of the Act should be entirely reworded to suit the conditions, learning from our own experience so that our own ratings in the Navy shall feel that we are being governed by a law, not a copy or a reproduction of the Royal Naval Regulations, but a new law which this Parliament has passed, which shall be applicable to the people of India in a free democratic republic. Unless this is done, unless these essential changes are made, this law will not be conducive to the maintenance of discipline. If real discipline is required, if a real fighting force is required, which is quite happy and contended, which shall owe allegiance to this law, this law should be changed, categorically definite changes should be introduced on the lines on which we have submitted a Note of dissent.

Mr. Speaker: Shri Hem Barua. He was not in the Joint Committee.

Shri Hem Barua (Gauhati): I have not spoken on this.

Mr. Speaker: Hon. Members will be alert. Unless they stand up, I will proceed to the next stage of the Bill, I cannot go on waiting indefinitely.

Shri Hem Barua: Mr. Speaker, I shall confine myself entirely to this Bill as amended by the Joint Committee.

In clause 4, it says:

> "The rights conferred by Part III of the Constitution in their application to persons subject to naval law shall be restricted or abrogated to the extent provided in this Act."

This Bill admits that it is abrogating or denying certain constitutional rights provided by our Constitution that is one of the best in the world. They are doing this by two methods, either by abrogating and denying the constitutional fundamental rights ensured to every citizen in this country or by overstepping the constitutional limits by providing certain things here that

[Shri Hem Barua]

go just against the fundamental rights that the Constitution proposes to guarantee to every individual. If constitutional rights are to be violated like this, if I may be permitted to use Gandhiji's words, these naval boys become civilly dead. As a matter of fact, they are our fighting wing. They are supposed to be very loyal people because they are engaged in the defence of our country, our motherland. If the people who are engaged in the defence of our country, our motherland, are denied fundamental rights under the Constitution, there would not be any end to that and I think injustice is being done to the naval boys. We are very much concerned about bringing in discipline so far as these fighting forces are concerned. Nobody would deny that. Because, lack of discipline might mean loss of freedom for us. At the same time, when we want to ensure discipline, we must have another thing in our mind. With the attempt to enforce discipline, you must be able to create an atmosphere or a feeling in the minds of those on whom discipline is sought to be enforced, that justice is being done. Here, there are instances where there may be an impression of justice not being done in the name of enforcing discipline.

Then, I will come to clause 9. They say:

> "No person who is not a citizen of India shall be eligible for appointment or enrolment in the Indian Navy or the Indian Naval Reserve Forces except with the consent of the Central Government:"

At the same time, there is an oath of allegiance prescribed in clause 13 which says:

> "I..... do swear in the name of God/solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established......".

This is very good. When a provision is made like this that citizens of India should be allowed opportunity to serve the country, there is an exception made in order to have aliens with the knowledge and consent of the Central Government. I would say, to expect aliens or foreigners to take this oath of allegiance by our Constitution would be hoping too much. That is what I feel. I think this is because of the fact that we are associated with the Commonwealth. Because of this relation or association with Commonwealth, we want to do them a bit of service as we think that they are doing a bit of service to this country, which I very much doubt they are not doing. There must be a specific mention to the effect that nobody other than a citizen of India, who has to affirm by the Constitution of India and take an oath of allegiance to this Constitution alone can be entitled to service in the Navy and nobody else.

There are other things as well and I shall come to them one after the other. About cultural and religious associations, about trade union organisations and all that, clause 19 says:

> "No person shall, without the express sanction of the Central Government—
>
> (a) be member of, or be associated in any way with, any trade union, labour union, political association or with any class of trade unions, labour unions or political associations, or
>
> (b) be a member of, or be associated in any way with, any other society, institution, association or organisation that is not recognised as part of the Armed Forces of the Union or is not of a purely social, recreational or religious nature."

I congratulate the draftsmen of this Bill and also those Members of the Joint Committee who have tried to make it a non-political organisation entirely. That is a very laudable attempt and a laudable aim for which they deserve our gratitude. If we have to distinguish between a cultural organisation and a social organisation, there is some trouble. As Shri Krishna Menon has already said, we have to base this Indian Navy on the traditions and cultural pattern of our country. It is also a fact that during the last session the Defence Minister said that we have imbibed the spirit of the U.K. Navy Act. It is a fact that because of historical reasons, we are associated with them for a long time and they are a first class naval power in the world. That may be so. At the same time, if we forget our past history prior to the British connection and forget our maritime history, our maritime traditions and the cultural background of our country, there is the rub,—there is difficulty. That is why I want to tell you that there should be specific mention about cultural organisations. I know the Defence Minister may hold out the plea that there is provision for social association. Social association is so broad. Our social organisation is there Because this is an infant nation and this nation is losing its moorings on the one hand and groping for light in certain other quarters, these social organisations or clubs may embrace rock-'n'-roll, fox trot and opera hall music. But, opera hall music, fox trot and rock-'n'roll do not express the genius of India and do not express the traditions of India either. And that is why I say there should be a specific mention of the cultural organisations in tune with the traditions and genius of this country.

There is another point about these ratings or naval boys writing articles or publishing books. It is a fact that if discipline has to be maintained in the naval forces, they ought not to express, or must not be allowed to express, their views or notions on military affairs, military matters or naval matters, but if we deny them the fundamental right to express themselves about non-military and non-naval experiences in books or articles, we deny them a fundamental right. We do not want to throttle the would-be or probable or possible Joseph Conrads and condemn them to silence. We know Joseph Conrad has produced first class literature. If he had been throttled just as this Bill seeks to throttle our naval boys, possibly the world would have missed a first class author today. We want to create more Conrads, and for that I suggest there should be a provision, or rather opportunities granted to these naval boys, to express their experiences, non-military and non-naval, provided they do not divulge secrets.

I do not like one thing personally, and I hope you will excuse me for that, namely the provision for illegitimate children because we do not recognise illegitimate childern As a matter of fact, we ought not to recognise them. In clause 31 these occur: ". . .has without reasonable cause deserted or left in destitute circumstances his wife. . . ". There must not be any scope for this, namely deserting of the wife; there must not be any scope for making provision for illegitimate children. There is an English saying that a sailor has a wife at every port, and if we make provisions like that, possibly we encourage profligacy directly or indirectly. This I think should be omitted from the Bill because we do not want to encourage profligacy by that.

In this Chapter VII, Articles of War, it says:

> "Every flag officer, captain, commander or commanding officer subject to naval law, who,—
>
> (a) upon signal of battle or on sight of a ship of an enemy which it may be his duty to engage. . . .".

and there is a provision for punishment with death. There it says "If he has acted traitorously, be punished with death; if he has acted from

[Shri Hem Barua]

cowardice, be punished with death or such other punishment as is hereinafter mentioned;" Who is to distinguish between treachery and cowardice? There is a lot of difference between treachery and cowardice, and there is a lot of scope for misinterpreting the two, and one overlapping the other. It depends entirely on the officer or the court martial trying the case, and there might be want of proper judgment or vigilance.

The Naval Discipline Act of England has prescribed for certain offences a mandatory sentence of death or such other punishment as the court may deem the offender to deserve, but there was trouble about the interpretation of this clause. Admiral Bying was to be executed on 17th March in 1756, on the plea of not having done his utmost to take and destroy the ship of the enemy; there was a sort of revolt among the naval boys, and it took England 22 years to override it and add a few words: "or such other punishment as the nature and degree of the offence shall be found to deserve". At the same time, in England in the 19th century we find a lot of improvement in legislation, especially the criminal laws of the country. I think we should also adjust our legislation to the change of social patterns and to the needs of the hour.

The previous speaker has already pointed out that in Canada, Australia, U.S.A. and the U.K. there is a provision for appeal, but here we find there is no provision for appeal except a reference to the Central Government for confirmation. That should not be the case. There should be provision for appeal by all means if justice is not to be impaired.

The verdict must also be always unanimous. If the verdict is not unanimous, the alleged offender must be given an opportunity to seek redress in a different court. The Lewis Committee recommended that the naval boys or the boys in the armed forces must be given an opportunity of defence by a civilian lawyer. Here also we should allow them this opportunity of defence by a civilian lawyer. At the same time we should see that the Judge presiding over the court martial is one of long standing reputation. He might be attached to any civil court, that does not matter. Whenever a verdict is not unanimous, there must be an opportunity of insisting on unanimity, and the court martial might be replaced by another court martial with a different membership altogether. In matters of discipline that might mean death sentence or long imprisonment; human psychology and the human mind have to work. That is why there must be some provision made for the naval boys so that they might have defence and proper justice if not at the hands of the existing court martial, at least at the hand of a reconstituted court martial, which is a legitimate demand, by all srandards, of human conscience.

Mr. Speaker: Any hon. Member who has not spoken at all, was not in the Joint Committee and did not speak at an earlier stage? None. Any other hon. Member who wants to take part, those who have not written dissenting notes and others.

Shri Ghosal (Uluberia): I have filed a dissenting note.

Shrimati Manjula Devi (Goalpara): May I speak? I have sent in my name.

Mr. Speaker: Why did she not rise earlier?

Shrimati Manjula Devi: I just rose but you did not look.

Mr. Speaker: I will call her first.

Shrimati Manjula Devi: Mr. Speaker Sir, perhaps it is rather unusual for women to speak on a Bill like the Navy Bill, but I think that a woman's point of view should be placed before the House.

While supporting the Bill, I should like to place before the House a few suggestions for consideration and acceptance.

The oath prescribed at present is to the Constitution of India, but I think this should be replaced by an oath to the Republic of India because the Constitution is flexible and can be amended from time to time in accordance with the progressive ideas of democracy or change of power from time to time. The naval administration should be under a Naval Board, with the Minister for Navy to be the Head of the Board. The Board should consist of representatives of the naval officers. The Board of Admirality should have complete control and power over the entire naval administration, something akin to the Railway Board in India or the Board of Admiralty in the United Kingdom. It would eliminate delays and lead to quick action in the matter of issue of economic sanctions. It so happens that sometimes issue of financial sanctions is delayed because there is no such Board to sanction the grants. This would also avoid concentration of excessive power either with civil officers or with the Chief of Naval Staff as in the present administration

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Now I come to the point of punishments. These should be in accordance with the rate of responsibility, calibre in education, qualifications and rank. Punishments should vary in degree. Drunkenness should have greater severity on officers.

Shri Jaipal Singh: Why?

Shrimati Manjula Devi: And prohibition should......

Mr. Speaker: Not drinking, but getting drunk.

Shrimati Manjula Devi: ..be gradually introduced in both the naval ships and establishments. The term "petty officer" should be deleted in consideration of the dignity of labour in all spheres of activity and the words "junior officer" should replace the term "petty officer". In Indianising the terms, the term "rating" should be replaced by the word "navik" just as the soldier is called "jawan" and the airman is called "havai sepoy". There should be uniformity of ranks and nomenclature in the Army, Navy and Air Force.

Now I come to the key note of my speech, women. Women should be employed in all offices like cypher, signals, medical and supply secretariats and educational institutions. There should be no legal bar on women holding any rank in any of the armed forces. During the last world war in the United Kingdom 80 per cent. of the personnel in the anti-aircraft organisation were women. Sometimes they used to operate empty aircraft because there were shortage of pilots. If in other countries women could do such jobs, why not in India? I am quite sure that women of our country are quite capable of filling such situations.

Now there should be certain clarifications of vague words and terms as "cruelty", "conduct", "becoming of an officer", "contrary to good order and naval discipline", "drunkenness", "indecent" etc. Because they are very vague they do not convey anything. Penalties for these offences are very severe. As such, there should be precise definition of these words.

There should be a provision for appeal against court martial. Provision for appeal against court martial must be as in the United Kingdom, United States, Canada and Australia. This is a very important factor. The Judge-Advocate-General must be independent of the Defence Ministry and be an officer appointed by and be responsible to the Chief Justice of the Supreme Court of India as in the United Kingdom, where the Judge-Advocate-General is not responsible to the Ministries of War or Navy, but the Lord Chancellor.

13.06 hrs.

[MR. DEPUTY-SPEAKER *in the Chair.*]

Mr. Deputy-Speaker: Shri Easwara Iyer.

Shri Warior (Trichur): I want to make a submission that I have put my signature to the dissenting minute.

Mr. Deputy-Speaker: I know that.

Shri Easwara Iyer (Trivandrum): Mr. Deputy-Speaker, Sir, I do not wish to take up the time of the House by several observations. My particular complaint regarding this measure is with respect to the provision for trials.

Sir, in this Bill I find that there is no provision for appeals. As the hon. Member who spoke before me said, in every State, whether it is the United Kingdom, Australia or America, there is provision for appeal. Now one cannot be sure as to whether a judgment or a decision arrived at by the court martial is infalliable. After all human beings are not infalliable. It may be wrong. Particularly when a sentence of death or sentence for imprisonment for life has been passed, it must be subjected to scrutiny by another Tribunal.

So far as the Navy Bill is concerned, we find a total denial of the fundamental rights afforded by the Constitution. Certainly in the interest of discipline, certain limitations on the fundamental rights conferred upon the citizen is necessary, but a total negation of these fundamental rights is something which is not desirable. Quite apart from that, when a naval rating or a naval subordinate officer is subjected to a trial before a court martial, it is a case where he is entitled to the ordinary rights which are available to a citizen. We have got the ordinary rules of natural justice which I need not elaborate, that no man should be condemned without being heard. An elaborate procedure is prescribed in this case for trial and the Evidence Act is also made applicable. It is certainly a very desirable provision; but to say that appeal provision should be denied to him is rather paradoxical.

The hon. Minister said that if an appeal is provided for it will take a very long time, due to cumbersome proceedings. That is why this very salutory provision of negativing an appeal is provided! I cannot understand that. Is it because that it will take time, or the proceedings will be delayed that this provision of appeal is denied to a naval officer or naval subordinate. Certainly if the decision requires correction, it has to be subjected to a higher authority for correction. Therefore, I have moved also an amendment for substituting a new clause 146-A, whereby a provision for appeal should be added.

Then, there is another provision that no woman shall be eligible for appointments in the Navy. I refer to clause 9(2) which reads:

> "No woman shall be eligible for appointment or enrolment in the Indian Navy or the Indian Naval Reserve Forces except in such department, branch or other body forming part thereof or attached thereto, and subject to such conditions as the Central Government may, by notification in the Official Gazette, specify in this behalf.".

The question of excluding women is certainly not understandable. A reading of the Joint Committee's report has not enabled me to find out the reasons for such exclusion. We can go back and examine the history of our nation as to what the position in this respect has been. We all know that women had taken a leading part in the liberation of this country, and also in the fighting forces. I need not cite the Puranas or the *Mahabharata* which contain several examples of women who had taken part in armed fight. That being so, I cannot understand why in the Navy women are to be excluded.

In ordinary cases, we speak of equality before law, and equal protection before law, and that there shall not be any discrimination on grounds of sex, religion, caste or other such grounds. Now, in this case, why this discrimination is shown is not explained by any understandable reasons. So, I have moved an amendment to this clause also.

I do not wish to take up the time of this House by going into the other provisions to which I have moved amendments. I shall take up those amendments as and when they come up.

Shri Ghosal: The Navy Bill as it has emerged from the anvil of the Joint Committee is a much-improved piece of legislation, and this improvement is especially in regard to wording, drafting, or the proper setting of the provisions in proper places. At the same time, the contents or the subject-matter of the provisions have remained the same.

In these types of legislation, we should be cautious, no doubt, but there is a great difference between cautiousness and conservatism. Therefore, we should frame all our legislations according to the material circumstances, the prevailing times and also the experience achieved from the different pieces of legislation of our country and also of other countries. So, we should be prepared to discard those unnecessary or meaningless jargons of words which are quite outmoded and not cling to them only on the ground that they exist in our previous laws or in the laws of other countries. When it was pointed out that these meaningless or unnecessary words should be discarded, their retention was pleaded on the excuse that they are there in our previous laws, namely the Army Act or the Air Force Act or such other Acts of other countries. On the contrary, when the salutary provisions of the laws of other countries were pointed out for incorporation into our Bill, it was pointed out that we were not going to copy out the provisions of the foreign laws. This seems to be the contradictory position of Government.

Though, in fact, this Bill was copied, in some cases, verbatim from the U.K. Act, yet the authorities were not prepared even to change the word 'petty', which in the opinion of the majority of the Members of the Joint Committee, carries a contemptuous meaning. Therefore, this is a matter which should be taken into consideration by the House.

As regards the principle of punishment, our notion of the standard of punishment in our country originates from the Indian Penal Code. But in very many clauses of this Bill, the quantum of punishment differs according to the magnitude of the offence, and the standard of the Indian Penal Code or even the standard of the commonsense of law is infringed

I would like to draw the attention of the House to clause 65 of this Bill. Also, if we take clause 42 of the Bill, where mutiny has been defined, we shall find that the standard of the Indian Penal Code has not been followed. Under the Penal Code, in order to make group conspiracy a fatal offence, the minimum number of persons has been made five, *e.g.*, in the case of dacoity. But that has not been observed in this case. In the case of mutiny, for instance, it has been decreased to two. Now, it may be that in some cases, two occurrences may happen simultaneously without any common intention. In those cases also, it is possible that intention can be brought in, if the minimum number is settled at two.

As regards *mens rea* it is the principle of the Indian Penal Code, the principle of all criminal laws. But in the Navy Bill, that principle has not been accepted. So, we find that even in some simple cases of offences, very rigorous punishment has been recommended.

My next point is regarding penalties. I would like to draw the attention of the House to clauses 37, 68, 70 and 74 of the Bill. In all these clauses, no specific offence has been described, but punishment has been

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fixed. Now, it is a very dangerous thing, if there are no specific offences mentioned. It is very dangerous also for the offenders, as they are likely to be dragged in under any of these provisions.

There are also some unusual provisions which are repugnant to the common law or contrary to the common law. The first one is regarding maintenance suit of a deserted wife. In ordinary law, we know that whenever a maintenance suit is to be filed or any suit is to be filed, the plaintiff or the complainant is not required to deposit the conveyance of the defendant or the accused. But in this Bill, a deserted wife who will sue for maintenance, for a paltry sum of money, will be compelled to deposit the conveyances of the defendant or the accused. That is an attempt to deprive that deserted woman of her legal right of realising the amount from her husband.

Another unusual provision in that the rating shall be liable for the offence committed by his guardian, because at the time of entry, the minor's declaration has got to be signed by the guardian. Whenever it is found that there is any irregularity or the true state of things has not been stated, then, in that case, the punishment is reserved. In that case the guardian of the minor should be brought in. In that anomalous position it has been prescribed that the rating should be penalised.

Lastly, I want to go into the question of appeal which has already been gone into by the previous speakers. One of the salutary provisions that has been provided in the Acts of other countries like U.K., Canada, Australia or the U.S.A., is that a sort of appeal is there from the court martial because court martial trial is of the nature of an executive trial. In the case of the highest punishment, that is death, in order to give an opportunity to the offender a last appeal should be before a judicial body. This salutary provision has been included in the laws of other countries. They have by their experience come to understand that such a provision should be there. Nine hon. Members of the Joint Committee are unanimous on this point though many others will support it orally. There must be a porivision in the Bill for appeal to the Supreme Court or to a body composed of the Supreme Court Judges so that the offender may get his last redress.

I would like to draw the attention of the House to these suggestions and conclude.

Mr. Deputy-Speaker: Is there any other hon. Member who was not a member of the Joint Committee and who had no chance of speaking on the motion for reference to the Joint Committee?

Shri C. R. Pattabhi Raman (Kumbakonam): We were not on the Joint Committee and we have not had any opportunity.

Mr. Deputy-Speaker: Yes; Shri Pattabhai Raman.

Shri C. R. Pattabhi Raman: Mr. Deputy-Speaker, Sir, I rise to support the Navy Bill as presented before the House by the Joint Committee and I wish to confine my observations to a few aspects contained therein. I sincerely hope that these observations will have some effect not in changing the Bill as such but in modifying it. In my opinion, it requires some little modifcation and I would appeal to the Minister to give some consideration to these aspects.

I wonder, firstly, whether the definition is all-embracing. We have got a 'ship' defined, 'active service' defined etc. It is likely that we may have a craft which may not technically be a ship; for example, a submarine. I find there is no reference in this Navy Bill to a submarine as such. I am not saying that it will open up discussion and raise points for quibbling. But, I felt that underwater craft should have some reference in the Bill just as we are now taking congnizance of the air wing of the Navy.

We are approximately more towards the American model than the English. We are going to have an air wing of the Navy, with some midification of what we have already. All this I say by way of abundant caution. I want to have submarines lugged in, in some form or other. We may say that the word 'ship' will include the word 'submarine' or 'people in active service' would include people serving in a submarine. I suggest this by way of abundant caution.

I am very happy that the usual distinction that we have with regard to Jammu and Kashmir being excepted is sought to be taken out here and very appropriately because what is sought to be defended is the whole of India including Jammu and Kashmir and it is high time we make a beginning. I am glad that the Joint Committee has said that no exception should be made in respect of the State of Jammu and Kashmir so far as the definition of 'criminal court' and 'court of ordinary criminal jurisdiction' etc., are concerned. That is a very salutary move and I hope it would be accepted by the House without any demur.

I will just deal with a few definition parts and then come to what little I have to say with regard to the other portions of the Bill. I think we may concede out of chivalry, to say the least, that the exclusion of women should not be statutorily there. We may exclude women; but, we may not proclaim it from housetops that women are barred from entering the Navy. What do we know of the future? It is true that now only in Russia there are some women serving in the Navy. But, how can we predict what will happen to India some 20 or 30 years hence? Are we framing a Bill just for the time or for five years? We must develop the habit of having Acts in the statute-book which are made for quite a long time, not to be tempered with quite often. Therefore, I feel, that women need not be excluded eo nomine from the services so far as the Navy is concerned. There may be a Naval Hospital; there may be some women doctors, nurses; and for ought we know, there may be an emergency when they may have to be given naval ranks. Why shut the door to women simply on the ground that England does it?

I like England very much. Most of us like England for the Constitutional conventions which are part of English life. I wish to pay my tribute to the services in England; but I think we are being too kind to England so far as this Bill is concerned. We are going the whole hog, copying 'petty officer' 'rating' 'officer' etc. Why rub it in? 'Petty Officer' goes to the days of Nelson....

Shri Warior: The Judge Advocate-General also.

Shri C. R. Pattabhi Raman: I am much obliged to Shri Warior; I know he has made a thorough study.

We must take our minds back to the days when the English Navy was formed. In England they have got a pleasant habit of retaining certain old terms though they have nothing to do with what is going on today. They have got the outward tapestry. They have got a very peculiar manner. For example, if the Parliament commenced sittings you have the practice of putting the mace down and putting the mace across the door as if to prevent a Member of the Lords rushing in or the King coming and siezing power. Now, no Member of the House of Lords would step into the House of Commons. But, yet they have all these trappings and

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tapestry; they have a peculiar knack of keeping up these things.

The other day, another Ministry took a very different line. The hon. Shri Jagjivan Ram coming with the Railway Protection Bill gave the protection force Indian names like the 'Rakshak', 'Senapathi' etc. I really cannot give the names now. He gave new names. I do not say that it must become ridiculous by inventing names that are unsuitable. We may have some names suitable to the climate and times. I feel that this classification of ratings, petty officers, senior officers etc., should vanish. I sincerely hope that it will be possible to have a compromise on that.

Having said all this, I wish to say a few words about the Judge Advocate-General. There we are slavishly following the old U.K. practice. What has happened in England? Much water has flowed under the bridge. May I take your time in giving you certain details? I shall go to the appeals before I come to the Judge Advocate-General. You will find that a good lot has happened. In 1951, we had the Court Martial Appeal Act providing a right of appeal to the Court Martial Appeal Court consisting of the Lord Chief Justice of England and other Judges, the Lords Commissioner of Justiciary and all that. In Australia, we have a Court Martial Appeal Act of 1955. That provides for appeals to the appellate tribunal. In Canada in section 43 of the National Defence Act of 1950, we have provision for both a judicial and an appellate tribunal. In the United States a Board has been constituted and that is the authority to decide both on fact and law. In one of the minutes of dissent, there is a quotation from a book by Lewis Mayers. It says that "This Board enjoys a charter of appellate power far broader than granted to any American appellate court in any criminal case." That is the situation so far as England, Canada, Australia, and America are concerned.

Here too, India being a land of many climates and many regions, and many differences, I feel that it is just possible that these officers appointed may slip or commit mistakes. I am not saying that civil courts should have jurisdiction. Let there be a board appointed. It shall have appellate authority. That will give satisfaction to the people serving the Navy that whatever happens injustice will not be done.

Having said that, I shall now come to the Judge Advocate-General. In England he is responsible to the Lord Chancellor. He is a man who will not come in because some Minister likes him but because he is equipped. Nominal equipment is not enough. In this country it is high time that we have the very best of men for all these places. Lord Chancellor does it in England. Let the Chief Justice of India do it here. Let him have a voice in this. At any rate, let the Judge Advocate-General look up and be subordinate to and take instructions from the Chief Justice of India. It will be a great safety factor and give the people concerned a great amount of confidence and they will know that injustice will not take place in their cases. Therefore, I feel that the Judge Advocate-General's position should be clarified. He should be a man really responsible to the Chief Justice of India.

I must pay a tribute to the armed services in India. In a good part of the old world and in some portions of America, many people do not feel safe; in some countries at any rate, they do not feel safe outside their capitals. That is not the case in India and all honour goes to the Services—civil services and the armed services. They have inherited a great tradition ever since the British days and they have been magnificient men. We have no distinction at all among them. It only proves how Indian all of us are wherever we may come from. Our first Commander-in-Chief came from Coorg. The present head of the Navy is a person from Andhra Pradesh.

The Deputy Minister of Defence (Shri Raghuramaiah): Vice-Admiral Carlill is the Chief of Naval Staff.

Mr. Deputy-Speaker: The hon. Member in anticipating.

Shri C. R. Pattabhi Raman: I am sorry. I stand corrected. It is not Mr. Katari. You are perfectly right. I take the tip from my good friends that he is the potential chief. Coming events cast their shadows before and I wish him the best of luck. We are very proud of him and our Navy. This must be a fine mosaic. You must have people from Kanya Kumari to the Himalayas. You must instil it in the mind of every single Indian that he is Indian first and Indian last. Some remarks were made that the Ministry had men with no experience of the Navy. The biggest army man was Haldane, philosopher and lawyer, who won the First War for England. He was just transported to the Ministry, to the War Department. We do not want to hear that the personnel should be chosen from the martial races, or the south, north, east or west. The last time we hear about it the better. It does not matter which part a man comes from; let him lead the army and navy. The army and the navy must feel Indian first. Therefore, I did not feel very happy when these observations were made.

I am very glad that the Deputy Minister in his able speech pointed out that there has been a great tradition so far as the Indian Navy is concerned particularly because in the olden days we did not go out for fight. We did not go at any time to plant our flag and make the people of another land serve us. We went to Cambodia with magnificient ships laden with presents to Cambodia and the Far East. The many tombs of the Pharoahs of Egypt will show that there were presents from the Malabar Coast, Gujarat Coast and the East Coast of India. All these were sent by ships manned by Indian of the West Coast and the East Coast and that is a very important factory.

. I feel that the Bill will go a long way in solidifying the ranks and that it will help the democratic spirit in the country. Only some little concession is to be made and all these old and outworn phrases about various categories in the Navy should be given up. You may call the rose by any other name but calling a rose by the name of rose is pleasanter still. Let us have different nomenclatures and dignity attached to every man serving in the Navy and he will feel that he is serving India.

Shri Dasappa (Bangalore): Sir, I rise to lend my humble support to the report of the Joint Committee on the Navy Bill as it has emanated from its deliberations. I must say that the Committee has brought to bear upon this Bill a great deal of consideration and such suggestions or criticisms as we might make are those which might not have escaped their notice at the time of their deliberations.

Let me first of all answer a few points raised by certain hon. Members here. My hon. friend from Orissa, Shri Patnaik is to me a *guru* so far as defence matters are concerned. In a very able speech, he referred to the necessity of a proper organisation. On them nobody could have any quarrels with him. I am sure that his great studies have led him to that conclusion. It is certainly a thing which merits consideration of the hon. Defence Minister. In fact, it was not fact, it was not the first time that such a suggestion has been made that there should be this Army Council, Air Council and a Board in Admiralty. But in trying to buttress his argument my hon. friend went a little out of the way in trying to question the capacity of the officers of the Ministry. I do not say he is out of fort in that respect. Certainly, there could be any

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criticism offered with regard to the activities of any Ministry. But, I think, he resorted to certain geographical notions while saying that one of the officers in the Ministry hailed from a State and, therefore, he could know very little of defence matters. All of us hail from one State or another. The hon. Member who launched that criticism himself hails from Orissa, and if I were to say that since he comes from Orissa he knows precious little about defence matters, I do not think that is a matter which would either be justified by facts or he would himself relish it.

Shri U. C. Patnaik: I meant no offence to any State. I simply stated that the gentleman in charge of the Defence Ministry may not be having a proper background of defence affairs, because State administration is different from that in the Central Government, particularly with regard to the Defence Ministry. I meant no offence to the individual. I did not mean anything against the gentleman. He may be very efficient. I simply stated that he does not have the experience and background of defence matters that is necessary. That is all that I said.

Shri Dasappa: That is partial amends for what he seems to have suggested yesterday, namely, coming from a State was something which might act as a disqualification.

Even examining the very stand that he has taken now, I think, I would like to enter my career on the stand he has taken. Is it necessary that a Secretary of a Ministry should be one who is fully conversant with the technical and expert matters which pertain to that Ministry? If that were to be ever a criterion which should be unalterably adopted, then I think it would be very difficult for us to man our Government either here or in the States. In fact, it is suggested by a very eminent leader of this country and a very able administrator, who has filled many high posts including the highest, that a doctor should not be in charge of the Health Ministry as a Minister. The idea was that he has grown in a certain climate, atmosphere and environments and carries with him a certain prejudice. There may be enough justification for the enunciation of that principle. If a person has grown in that environment right from the bottom he may be having some notions which may not enable him to take a judicious attitude on the various problems that present themselves in the Ministry. I am not going to make that a big point, but that is the way I feel.

Mr. Deputy-Speaker: If the *Guru* had gone wrong, then the disciple ought to have covered him up and not exposed him.

Shri Dasappa: They say it would be a healthy thing for the disciple to defeat the *Guru*.

Then I would like to say a word about what Shri Menon suggested. I find not only in his speech that he made here today but in the dissenting note attached to the Report a great deal of emphasis on democracy. In fact, the whole basic approach of his has been from the democratic angle. I am very happy at this new outlook and new development on the part of his Party. I think it is a very salutary one. Since Shri Menon bases all his thesis on this democratic approach, I think we better subject such criticism as he has made from that point of view itself. He says that the fundamental rights have been grossly affected by virtue of certain provisions of the Bill and, in fact, they are not allowed to exist so far as the Naval Forces are concerned. Is that a legitimate and justifiably honest criticism? That is only with reference to certain aspects of the life of the naval men, but not all. If the United Kingdom, the mother of Parliament, and the most democratic Parliament, could try to set certain limitations on the fundamental rights so far as Naval Forces are concerned, why should we drop hands in horror and say that these fundamental rights are violated? Are we doing it in a wrose degree than the United Kingdom? That is the question that I would like to pose. What is good for the State which has given birth to Parliament is, I think, good enough for us in India. Therefore, I do not want to go very much into details, because there is hardly any need for it. I would only satisfy myself with this general remark, that in India there is nothing that would go to justify a departure from the attitude that the United Kingdom has taken so far as these fundamental rights are concerned.

Reference has been made to cultural pattern in India, as though that makes any difference so far as our approach to democracy and democratic institutions are concerned. I think there we have generally followed the pattern in England. Even in regard to this we will not do much better by having any wide departure from the provisions which are contained in the United Kingdom measure.

There has been certain references to the position of women so far as Naval Forces are concerned. The hon. lady Member who spoke on that side as well as Shri Pattabhi Raman seemed to suggest that women are excluded from all services in the navy. That is not a fact I think here we may remind ourselves of this sub-clause (2) of clause 9 which says:

> "No woman shall be eligible for appointment or enrolment in the Indian Navy or the Indian Naval Reserve Forces except in such department, branch or other body forming part thereof or attached thereto and subject to such conditions as the Central Government may, by notification in the Official Gazette, specify in this behalf."

So, the question of nurses working in naval hospitals on the land, or in the clerical establishments in the Navy, are not excluded provided the Central Government choose to exempt such offices from the operation of this provision.

I would also join in supporting the stand taken by an hon. Member here that there should be some difference between drunkenness by officers and drunkenness by ratings. The hon. Minister seems to have claimed a lot of virtue for this elimination of difference between officers and men. This is an extraordinary claim to be made by the hon. Minister.

Shri Raghuramaiah: May I say that I only pointed out the alteration made in that respect by the Joint Committee. There was a distinction in the original Bill and the Joint Committee made certain alternations in that respect. I made a reference to it in my speech. I did not give any special compliment in relation to that or expressed any other opinion.

Shri Dasappa: Well, I remember I have noted down here that he seemed to claim that as a departure from the United Kingdom enactment and thereby justifying that it was not something of a slavish imitation of the provisions of the United Kingdom Act. That is why I thought the hon. Minister also lends his support to the stand of the Joint Committee.

I definitely feel that drunkenness on the part of an officer must meet with a more condign punishment than drunkenness on the part of ratings. I have not the slightest doubt that there should be some differences, because the drunkenness of ratings, after all, will not tell upon the morale of the forces. But imagine a high-placed naval officer getting drunk and how much it will ruin the morale of the forces. Therefore, I would even now, if it is not too late, urge upon the hon. Minister the retention of the older provision where there was a distinction between the two ranks, and I think that would be all for the better.

With regard to promotion, a certain hon. Member has referred to it, and I agree with him that the percentage that is open for promotions to the rank and file should be a larger one than what it is today. I think, there is

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some understanding that it should be about 12½ per cent. or so. But I feel that since brighter and younger men are coming into the navy now, they should have a certain amount of inducement and incentive to work hard and get on to the higher ranks. It is so even in the army. It used to be like that in the navy. Of course, latterly there might have been a certain change. I feel that it can be all for the better and it would lead to greater efficiency and better performance if we had these promotions in a larger degree to those who are down below.

There was a certain reference about the ability placed on the people towards complaints regarding food. I think that is a totally wrong direction which has been given to the House by the hon. Member. There is no such thing as a total disability. I find in the Bill that every person has a perfect right to complain about the quality of food. All that is enjoined on him is that he must do it quietly and make the same known to the superior or the captain or to the Chief of the Naval Staff in accordance with the proper channel of communication. That is all that is said, and so, nobody is prevented from making any complaint so far as food is concerned. All that the law prevents is that there should be no attempt to stir up a disturbance in the ranks on the ground that the food is not quite up to the mark. I think even the bitterest critic will appreciate the fact that it would be fatal to discipline if, on the ground that the food is not good, a kind of disturbance was set up whether on the seas or elsewhere. So, I think the provision with regard to the question of having some kind of restriction on the agitational aspect in respect of food is quite well justified.

There are two other things to which I would like to refer. One is with reference to the appeal of court martial decisions. In this, I join with many hon. Members here who have said that there must be a right of appeal over the court martial decisions and a mere review is not enough for the purpose, even though at the stage of review, the convicted person is enabled to appear either in person or through his advocate. During my experience, I have come across certain decisions of courts martial. The fact is that sometimes there are jealousies in the ranks and it is certainly not difficult for them to cook up certain cases against people and also lead evidence which would go strongly to support that cooked-up case. Those people who are near-by the court martial tribunal may be led to commit an error of judgment; not that it is not possible. That is why even the Rashtrapati, the President of the Indian Republic, has got the power of modifying the sentence or acquitting the person even on a court martial decision. Otherwise he would not have been entrusted with that power.

Since the trend of all modern legislation in all countries has been in favour of providing an appeal, I for my part, can never understand why the hon. Minister feels nervous about making a provision to that effect. I think it would be all for our credit if we have an appeal. I hope it is not yet too late for him to reconsider the stand and meet the larger volume of opinion in favour of having an appeal.

The other thing is about the appointment of Judge Advocate General. I entirely agree that it would be all for the better if he is appointed by the Chief Justice of India and is not just as the Lord Chancellor as in the United Kingdom. It is just as well that we should not only try to do justice but give the impression that justice is being done. I find that on this matter there has been almost perfect unanimity in the House. The attempt now made by the provision in the Bill here is to have the appointment made by the Ministry itself and not by the Chief Justice. That is not a very salutary one. I would join with other hon. Members in pleading that he may be appointed by the Supreme Court.

Generally, this measure deserves our entire support. I hope that a new chapter will be opened out in the naval history of this country. I join particularly with the appeal made by my friend, Shri Pattabhi Raman, I know the navy is attracting more and more of our young and educated men in the country, and I hope that the new opportunities that are now given to the young men will be fully made use of and that the conditions will be such that they will be drawn more and more to it and our navy will hereafter record a progress which will be second to none in the world.

Shri Ajit Singh Sarhadi (Ludhiana): Mr. Deputy-Speaker, Sir, I rise to give my support to this Bill as it has emerged from the Joint Committee subject of course to suggestions here or there for the acceptances of the Deputy Minister.

So far as the necessity of this Bill is concerned, I do not think there is any dispute. It is of an all-embracing nature and it is a consolidated Bill dealing with all aspects of the activities of the naval services. There is also no dispute about that. The criticism that has been levelled pertains to three aspects. Firstly, the overall structure of the naval administration. Secondly, the discipline. Thirdly, the right of appeal to the aggrieved party.

There is another part of the Bill about which too there is no controversy and that part pertains to the recruitment, the enrolment and commissioning of certain categories, and the privileges that have been given to the personnel of the services. There is no dispute about this point either.

14 hrs.

Coming to the first aspect, about the criticism that has been levelled regarding the overall structure of the naval administration, the main fact that appears in the minutes of dissent and that has been said on the floor of this House is that there should be a board for the control of the naval forces. It must be considered at the very outset that our navy is a very small one as compared to the very large coastline which it has got to protect. In fact, it is the smallest navy in the world as compared to the length of the coastline. It must also be considered that we are not very much experienced in the matter of naval affairs. We have got to learn from others. The object of the constitution of the Admiralty Board, and in fact the object of the Almiralty Board in the United Kingdom, is not only to bring cohesion and co-ordination among the different wings of the navy, but also to avail of the experience and ability of those who can usefully contribute towards that Admiralty Board.

Our Indian army is, of course, quite and old one and we have ex-Generals and others who have retired and whose services can be availed of and who can be brought into the board for the purpose of controlling the Indian Army. But that is not the case with the Indian Navy. We have not got very much experienced people there. Therefore, I feel that the present structure for the overall control of navy administration is all right. The Minister of Defence is there; the Secretary of Defence is there and then the Chief of Navy Staff is there. That is quite sufficient.

Shri U. C. Patnaik: In fact, that was the proposal. Only, in addition to the Secretary of Defence, two more Secretaries and in addition to the Chief of Staff, two or three of his P.S.Os. were proposed.

Shri Ajit Singh Sarhadi: I am glad that my hon. friend has tried to clarify the position. Our efforts to develop the Indian Navy and make it very strong are very essential, but situated as we are, is it necessary that we should have a body wherein we may not be able to exclude the possibility of discordant elements? Therefore, my view is, situated as we are now, it is not necessary that there should be any board. The present set-up is quite sufficient.

Coming to the second aspect about which criticism has been levelled, and

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that pertains to discipline, much has been said. One of the hon. Members said that the fundamental rights conferred by the Constitution have been absolutely abrogated and great injustice is being done. He divided his arguments into three parts. Firstly he said that the personnel of the naval forces are not being allowed to have cultural associations; secondly, they are not being allowed to have direct communication with the Members of Parliament—that is there in one of the notes of dissent—and thirdly women are being excluded. These were the three grounds on which it was said the fundamental rights have been abrogated in the Bill.

Dealing with the first, namely, absence of any permission to have cultural associations, I need only draw the attention of the House to section 19, which definitely postulates that there may be cultural associations. It says:

> "No person subject to naval law shall, without the express sanction of the Central Government—
>
> (a) be a member of, or be associated in any way with, any trade union, labour union, political association or with any class of trade unions, labour unions or political associations; or
>
> (b) be a member of, or be associated in any way with, any other society, institution, association or organisation that is not recognised as part of the Armed Forces of the Union or is not of a purely social, recreational or religious nature."

Naturally, the Indian Navy has got certain rights and privileges. Not only that; it has got certain duties and they are onerous and important duties. I think it would be very dangerous to the security of the State to allow trade union type of things there. All sorts of elements can creep in there. Our present age is the age of fifth column and we have to be over-cautious about this matter. The personnel of the naval forces can have cultural, recreational or religious associations, provided they are connected with the Armed Forces and that right is conferred by clause 19. I do not know what other kinds of cultural associations my hon. friend has in view when he says that the fundamental right has been abrogated.

Then, it is said that women have been excluded. I feel there may be some justification to remove this clause later. But situated as we are now, I do not think there is any necessity for women to be allowed to come into the navy. I stand for all the rights of women, but even if this clause had not been there, it would not have made much difference, because women would not have come forward and joined the navy. That clause in itself, as I see it, is absolutely redundant to all intents and purposes. Yet it is there, but I do not think it is so offensive as to give strength to the argument that it abrogates the fundamental rights.

The third point which is in one of the minutes of dissent is that the personnel of the Indian naval force are not going to be allowed to communicate with the legislature. I think even under the Government Servants Conduct Rules, there is some limitation on the right of approach. It is more necessary in the armed forces, particularly, as I have said, that there is a possibility of all sorts of elements creeping in there. So, I do not think there is any abrogation of fundamental rights. We have given them certain rights and privileges. But they have also certain duties to perform, which are more important than the duties of a citizen. On them rests the great responsibility of protection of the coastline of the country. Therefore, there is no abrogation of the fundamental rights. They have got all the fundamental rights and they are equal citizens, rather I would say better citizens, because they have taken upon themselves a great responsibility. Therefore, this point also is not very important.

But there is one thing to which I will draw the attention of the hon. Deputy Minister and that pertains to the definition of mutiny. You will find it in clause 42. I disagree with Mr. Menon when he says that the definition is defective. Of course, *mens rea* is the main thing which we have to judge in the matter of offence. You will find that clause 42 defines 'mutiny' like this:

> "Mutiny means any assembly or combination of two or more persons subject to naval law with the common object of—
>
> (a) disobeying or resisting lawful naval authority;.."

What the clause hinges upon is common object. Individual disobedience is not mutiny. Individual disobedience may be indiscipline and punishable as such. But as soon as it goes beyond that and becomes a conspiracy with a certain objective, which is illegal, it certainly becomes mutiny. I would suggest to the hon. Deputy Defence Minister that he may add the words "with a view to infringe the security of the State". That will further clarify the matter. By the addition of those words, the danger which they apprehend, namely, that small disobedience by two or more people may come within the mischief of the definition of mutiny, that can be eliminated. If the object is to show contempt to the lawful naval authority, then it is certainly mutiny. So, if you whittle it down, there will be no harm. We can add a few words to say that the background of the common objective must be with a view to infringe the security of the State.

Now, the security of the State has been defined by the Supreme Court. It conveys either external aggression or internal commotion which endangers the country. That is the security of the State. If the definition is modified to that extent, it will meet with the viewpoint of my hon. friend who said that the definition of mutiny is too wide.

The rest of the clauses in section 42 are absolutely correct and they will meet with the situation. We have got to see from the legal point of view that no guilty person escapes and no innocent person is punished.

I shall be very brief about the third aspect. It relates to the right of appeal by the aggrieved party. Those conversant with criminal law of the country know it very well that in trial of criminal cases by jury, it is the jury that has to decide on facts. The judge can decide only on a point of law. The decision of the jury on a point of fact is final. If an officer of personnel of the navy is being tried for an offence under this Act by his own comrades, certainly, in accordance with the canons of law, the decision on points of fact should be final. So far as the law is concerned, the Judge-Advocate is there to point it out to the higher authorities and the court martial that there is a mistake on point of law and no conviction can be sustained if it is against law. But, so far as the point of fact is concerned, i.e. whether a person is guilty or not guilty, the decision of the jury is always final, unless of course there is a misdirection by the Judge. Here again, if the Judge-Advocate misdirects, then there will be a legal lacuna which could be remedied. Therefore, to plead that there should be a right of appeal to a Tribunal or the High Court or the Supreme Court on a point of fact is to argue against the basic principles of criminal law where the trial is by jury. I am not against request the hon. Deputy Minister to consider this aspect also. He may have a Tribunal of his own on the lines of the one in the United Kingdom or Australia. There is no harm in it. The same principle can be adopted. But the jury should be the decider of facts.

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Then, the Judge-Advocate-General has on review got a discretion to allow a Councel to appear. I would suggest that where the sentence is as severe as death or transportation or high sentence, certain limits should be prescribed on the discretion of the Judge-Advocate-General. In that respect the present provisions of the Bill do call for a certain improvement and amendment. In the higher sentences the Judge Advocate-General should not have the discretion to disallow a person engaging a counsel to defend his case. His discretion should be limited when the sentence is of a severe kind. That right should be with the aggrieved party. He may put his case personally or through his legal representative before the Judge-Advocate-General. It would be much better if the Government would find its way to accept this right of appeal to the tribunal, which will comprise of at least judges of the High Court because it is a very serious case in which the life of the individual is at stake and in jeopardy.

Therefore, I would submit to this House that this provision of the Bill does need an amendment and I hope the Government will find its way to accept it. With these few words, I support the Bill.

Shri D. C. Sharma (Gurdaspur): Tnere is one sentence in this Bill—a very voluminous Bill—which is full of hope, not only for the members of the Legislatures in India, but also for the peoples of this great country. It says:

> "The Central Government may raise and maintain a regular naval force and also reserve and auxiliary naval forces."

I believe that this sentence, in the context of our life today, means much more than its baldness or its prosaicness or its matter of factness would indicate. It means that India is going to have, or going to expand, its naval forces. Of course, we all know the traditions of the Indian Navy and it is good to remember those traditions. We also trace the history of the Indian Navy to so many decades and centuries of our Indian history. It is good to remember all that.

But, I believe, so far as the modern context of life goes, so far as the modern conditions go, we are beginning, so to say, from the scratch. We are giving this kind of defence a trial. We had infantry all these days. We have had armies—and I must say that our army has done very well during all these years. We have also an Air Force. We are building up that Air Force. But, so far as the Indian Navy is concerned, we are just in the formative stage, or, if you permit me to use the word, we are in the elementary school stage. Therefore, we have to discuss this Bill, criticise this Bill, so that this Navy of ours is neither saddled with too many restrictions, nor given too much freedom. We have to see to it that our Indian Navy grows and expands as time passes. Sometimes we have been putting questions to the Minister of Defence on the floor of the House regarding our Navy, and we have been told that we have been getting second-hand ships etc., from other countries, and we have been re-fitting them. Of course, to our own great satisfaction, it has been said that these ships are good enough for us, but the fact remains that the Indian Navy requires a huge amount of expense, and that it requires very big resources, and that our country cannot afford them at present. So, if we cannot have those resources in terms of materials and ships, let us make the best use of our resources so far as the human material is concerned, and I believe that this Bill has been designed in such a way as to make the most adequate use of the splendid human material that we have in this country. Our lack of resources, our lack of capital may be counterbalanced by the glory and splendour of Indian manhood which we find not only in the Army and Air Force, but also in the Navy.

I think this is the intention of this Bill, and I believe that it is for this reason that in this Bill we find that a great deal of importance has been attached to what may be called discipline. The word "discipline" is a very irksome work, a very obnoxious word. Many people do not like discipline, and many persons would shy at this word "discipline", but the fact of the matter is that the armed forces of any country, be they air force, army or navy, cannot exist unless there is very tight and strict discipline. If you try to loosen the discipline of any defence force, you try to undermine its efficiency, do away with its utility. I think those who have criticised the Bill should look at it from that point of view. Do we not as citizens of this country require a navy where discipline is good, where the men work at their topmost efficiency, and where persons work for the good of the country as a whole? I think this question has to be looked at from that angle, and if we look at it from that angle, we find that the criticism made in the Minutes of Dissent is not always very legitimate.

At the same time, I think it is our first essay, experiment, in having a Bill of this kind. It is very strange that there are some other persons who generally do not like the U.K., Australia and other countries, are at this time full of praise for them. This is a good sign, but our Indian Navy has got to go cautiously, and has to pursue a particular line. It may not be the line of Canada, U. K., Russia, China or any other country. It has to pursue its own line, because I feel that unless we pursue our own line in our own way, in the context of our own life, in the context of our social, economic and moral conditions, we will not be able to build up those traditions which can be called Indian naval traditions, and I believe this Bill is there not only to safeguard the rights of our people in the Navy, but also to build up such traditions of the Indian Navy that we can become a force—I do not say a force for evil, but force for good so far as these things go.

Therefore, the whole thing has got to be looked at not from the civilian angle, or from any other angle, but from the angle of the defence of this country which is a very big thing, and I believe it is for this reason that all these things have been said. For instance, we talk of freedom. I think I am a man who would like to have freedom at all costs and freedom under any cicumstances, but our freedom has to be circumscribed in the light of where we are, what we are and what we are doing and what we have to do. There is nothing like abstract freedom in this world, and therefore, if certain freedoms have been curtailed here as some persons have said, though I do not think they have been curtailed,.......

Shri C. R. Pattabhi Raman: Only freedom forming associations.

Shri D. C. Sharma: I think that has been done in the interests of the motherland, for something higher than that. Sometimes we curtail our secondary rights in the interests of higher rights. Friends like Shri Pattabhi Raman have been talking about the freedom of association.

Shri Narayanankutty Menon: Which freedom remains in this?

Mr. Deputy-Speaker: Let that freedom remain here at least.

Shri D. C. Sharma: I think the only freedom that remains so far as some of my friends concerned is the freedom to criticise whatever we do. That is the only freedom, but for me the freedom is this, that I should look at it from the context to which I have referred just now.

The restriction regarding the right to form associations reads like this:

> "No person subject to naval law shall, without the express sanction of the Central Government,—
>
> (a) be a member of, or be associated in any way with, any

[Shri D. C. Sharma]

> trade union, labour union, political association or with any class of trade unions, labour unions or political associations,"

I read about the defence of other countries and I find that many big persons, many high-ups are thrown out of big posts,— I do not want to mention names. Why? Because they have introduced the political element in the army. Only recently we heard of a very big person who was practically removed from his high office. Why? Because he was importing politics into the army, into the services over which he was presiding. That is a very salutary principle, a very wholesome principle, and if we have adopted this principle here we have done something which is wholesome and not something which is wrong. Our services, whether they are civil or defence, should be kept free from politics. That will be for good of our country and for the good of all the political parties in this country, and I think this is not a curtailment of freedom.

There has been mention also of "any other society, institution, association or organisation." It has been said that poeple should have freedom to be members of cultural organisations. What is culture? I do not understand what these cultural organisations are. From what little I know about culture I think that social, recreational and religious organisations are all part of culture. If somebody has got some meaning other than this, he may enlighten me.

Mr. Deputy-Speaker: What remains beyond religious, social etc.

Shri D. C. Sharma: I believe there are only four departments of life—social, recreational, religious and political. I believe that social, recreational and religious departments come under the word 'culture'. I cannot see what is meant by the word 'culture' to which so much exception has been taken. So, I would say that this Bill makes a very fine equipoise between the freedom that persons will enjoy and the freedom that persons of the Defence Services will enjoy. It makes a very good equipoise between discipline and freedom. Therefore, I say that this is a very fine Bill.

Much has been said about the proper background of our officers. I do not know what is meant by proper background and I cannot understand how a proper background could be acquired and how much time it would take for that. I think the whole of a lifetime will not be sufficient to acquire a proper background so far as any department of human activity is concerned. But, what we require for the performance of our duties, for our administration, is not a training in some establishment, is not the training in or attending a college or university somewhere. What we require is that a man should have intelligence, the power to understand new problems; and so, to think that only that kind of authority which is to be found in one or the other department is not the right thing.

As I have just said, we are just making a beginning and since we are making a beginning we cannot afford to copy those countries which have centuries of naval tradition, which have so many years of naval history. We have begun in a modest way and I do think that the Navy Bill is going to be the last word. Tnere will be amending Bill as conditions and our context change. I, therefore, believe that for the purposes of good administration it is necessary at present that we should strick to the pattern which we have got. Afterwards, we can change it. This pattern is conducive to efficiency and it is also conducive to that kind of supervision which is needed. I do not believe that anything should be done so far as the change of this pattern is concerned.

Sir, it has been said that women have been debarred. I will be the last person to say anything which takes away from the privileges and rights of women. But, I believe that no section of our society should pursue rights in the abstract. That is not what is needed. Therefore, I say that adequate representation should be given to women. But, so far as the Navy is concerned, I think the time will come when we will have to get this disability removed. The time is not yet ripe.

One thing more and I finish. Much has been said about promotion. When we talk of our Defence Forces, we find that there are so many grades. Some people say it like the caste system. Even in the caste system there are castes and sub-castes and in sub-castes also there are sub sub-castes. I find that is the pattern so far as our Defence Services are concerned. We are trying to revise that pattern. I should say that the percentage of promotion provided for in this Bill from the lower to the higher ranks should be increased (*Interruption*) and in a very proper manner.

Shri Narayanankutty Menon: It is not provided in the Bill.

Shri D. C. Sharma: It should be there. You do not want to form a hierarchy of grades here.

I say that I welcome this Bill and I believe that it is quite adequate in the context of our life today. I do not think that much purpose would be served by quibbling about words. We have to look to the spirit of this Bill. The spirit of the Bill as such is in consonance with the aspirations of free India, in consonance with the Defence needs and in consonance with the traditions of a free India which are the pride of every citizen of India.

Mr. Deputy-Speaker: Shri Achar.

Shri Jaipal Singh *rose*—

Mr. Deputy-Speaker: I have not called on Shri Jaipal Singh now. I will call him.

Shri Jaipal Singh: The Speaker said that I would be called towards the end. The arrangement earlier was that hon. Members who have not participated in the first instance at the time when the Bill was being committed to the Joint Committee should be given the opportunity and then Members of the Committee who have submitted minutes of dissent will have their say and those of us who were in the Joint Committee but who did not agree with the dissents would also be given an opportunity.

Mr. Deputy-Speaker: I am not denying an opportunity to the hon. Member. But, as he has described himself, he shall have to wait till his turn comes.

Shri Jaipal Singh: I stood up because nobody was getting up.

Shri Achar (Mangalore): Mr. Deputy-Speaker, Sir, I would only like to refer to one or two aspects of the Bill and I shall attempt not to repeat what has already been said.

One aspect on which I would like to say a few words is on the question of recruitment. If we read the history of the world we will know that England became one of the biggest powers on account of its naval strength. It is said that that great country being as island, the Britishers took to the sea as fish.

If we study the history of the world, we will also find that a country which has not got a long coastline has rarely become a naval power. I am mentioning this fact just to prove that everyone cannot become a good naval officer or even an ordinary seaman. Not that I am feeling that there is something like a special caste. We do concede that there is no martial race. Similarly, I do concede that there may not be a section of the people who alone are fit to become naval officers. That may be so in the abstract. All the same, when we come to facts it has to be recognised, I do not say that there should be certain clauses in the Bill to this

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effect and I will say that people who are residing on the coastline are better fitted to be recruited to the Navy than the people who are in the interior of the country. As I said I am not pleading for a separate section that they alone should be recruited or anything of that kind. I am coming from a consitituency which is on the coastline. Maybe my advice may be somewhat prejudiced in favour of the people on the coastline. All the same, I would like that while recruiting this aspect of the question is considered. Even historically, it is a fact that only countries which have got a long coastline are the countries which are come great naval powers. There is something in that. Heredity may not be everything , but there is that aptitude, that traditional training which enables that section of the people who are on the coastline better servants in the Navy. My own district of South Canara in Mysore State has a large number of people who are fishermen. We find their attitude and their aptitude are so much tuned to the sea-life that I submit that a man from that community would be a better naval officer. No doubt, they happen to be poor people. They do not have sufficient education. But I might say a word in their favour. It is not so in my district. It is so in the entire west coast or the east coast. Men from that particular community of fishermen are better fitted to be recruited. I am not saying that it should be exclusively for them. They should be given preference.

This Bill does not lay down any rules. The rules are to be prescribed hereafter. All the same I would like to make this appeal to the Minister in charge of this Bill and I would like to ask him whether he could not find his way to have some provision which would enable the authorities to recruit more persons from the section of the public who are better fitted for this job. I say so because countries like the U. K., Japan or the U.S.A. have become great naval powers because they are very near the sea and have a large coastline. From that point of view, I submit that some provision in the Bill may be introduced. I do not say that it should be exclusively for them or something like that. But at least there should be better scope and better judgment in recruiting either the officers or the ordinary seamen.

Shri Narayanankutty Menon: It cannot be done under the Constitution.

Mr. Deputy-Speaker: We will amend the Constitution.

Shri Achar: My learned and hon. friend says that the Constitution does not allow it. Take clause 4 of this Bill itself say:

> "The rights conferred by part III of the Constitution in their application to persons subject to naval law shall be restricted or abrogated to the extent provided in this Act."

The Fundamental Rights are not absolute. They have their own restrictions and this very Bill could restrict them. You know what the constitutional rights are. They are not absolute, that restrictions should not be there. There is no such constitutional objection so far as I can see and it should be possible to make such provisions.

I would now like to say a word about appellate jurisdiction. Members both in this House and in their advice to the Deputy Minister want to have a provision for appeal against the decision of the Court martial. We cannot say that there is absolutely no such provision in the Bill as it stands. There is clause 162.

> "Any person subject to naval law who considers himself aggrieved by a finding or sentence of any court-martial may present

> a petition to the Central Government or to the Chief of the Naval Staff, and the Central Government or the Chief of the Naval Staff, as the case may be, may pass such order thereon as may be thought fit."

The next clause also provides for the setting aside or alteration of the finding or the sentence passed. We find some revisionary power but the real point is whether such a pawer should be given to the President or the Chief of the Naval Staff or whether we should have an appeal to the supreme Court or any authority. I join with my other friends in appealing to the Deputy Minister that an appeal should be provided for to the Supreme Court.

We find in the Bill a large number of provisions with regard to the mode of trial, recording of evidence etc. It seems that the naval officers will be something like a jury and the advocate would be the legal person to advise them. This will be against the fundamental principles of jurisprudence if an appeal is not allowed. After all this jury may commit mistake or in the direction to the jury there may be misdirection. So, one appeal seems to be justified to me. I find from the minutes of dissent that the main objection for this course seems to be that there may be a lot of delay in the final decision. It could not be a very good ground. It is a matter of discipline and defence of the country and the Army and the Navy. In such matters, even a short limit with regard to the period within which it should be decided, could be provided. Even with regard to our election matters, there is a direction that whenever there is a case and there is an appeal to the High Court, the matter must be decided very quickly without any delay whatsoever. Such a provision could be provided for and the time limit could be made to be a short period. I would submit that it would be in the fitness of things if it is allowed to go to the Supreme Court.

I would refer to the associations, cultural or social, regarding which there is prohibition in the Act. The previous speaker said that in the interest of discipline and the defence of the country, such privileges should not be allowed. If it is only a mere question of religious or cultural affairs, I do not see why that should not be allowed. I do not see how it would come in the way of the discipline of the Navy. I would submit that such provisions with regard to the formation of associations for religious and cultural matters need not be made.

Shri Warior: Mr. Deputy-Speaker, Sir, I have only to make some few observations regarding the dissenting note that we have presented. Before doing that I wish to express our sincere gratitude to the naval officers and ratings whom we had the opportunity to meet at the recent naval exercises for which we had been invited. From there I understand to my great pleasure that we have very great potentialities for creating a very efficient Navy with the personnel that we have at present. I found there to my amazement that many of the officers there do not drink, they do not even smoke. I asked whether smoking was prohibited. They said that even drinking by officers was allowed but they abstain from drinking. That is a thing worthy of praise.

Not only that. Their general behaviour also is very good. In their general behaviour, not only towards us but also to their subordinates—though there are exceptions—there is not much to blame. I had occasion to hear about one incident in this respect. This is particularly about the naval exercises recently held in Trincomalee. There had been certain provocations by a freindly country. I do not want to name that country, but there were very severe provocations. I understand that our men kept so calm and cool that there were no international incidents. These things I have to mention as praiseworthy, a tradition which is quite different from the experience we have of naval men of

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friendly countries especially during the war time. I do not want to mention those incidents that we had in Ernakulam during the war created by naval officers and men of a friendly country.

That does not mean that things are going on very well in our Navy. I do not want to abuse the privilege we had as guests in the Navy. At the same time, what is our Navy? We have certain ships in the Navy which were not first built for us. They were built for the United Kingdom. I do not say anything condemnatory about that, but they were designed particularly for certain regions which are different from our regions. They were designed for the cold regions of the United Kingdom. In the monsoons when the ships will be oscillating in the Arabian Sea there is no accommodation in the ships for the ratings and subordinates just to lie down. There will be heavy rains and it will be very hard for them.

Then there is the question of food. I want to stress this because it is with the understanding of conditions obtaining at the present time in our Navy that we have approached this legislation. We were served good food compared to the food that is available to an ordinary man in our land. If that is served every day as a routine affair, I do not think we can continue for many days like that. Even small things to satisfy the hunger of the people are not provided. Food is the most essential thing for a man. When our boys are isolated from the land and they are not able to procure what they want like other men, it is very essential that we should give them good food. There is grumbling among the boys in this regard. I am telling this for the information of the House, I have not told this at any public meeting because I do not want to create any discontent among our boys. The House must understand that there are certain provisions in the Bill relating to these things.

Mr. Deputy-Speaker: Is he sure that whatever is said here will not be carried to the boys?

Shri Warior: Somewhere I must say these things, and this is the sovereign body.

There is also the question of medical care, quarter allowance and promotions. Apart from the question of food and other things, the question of promotion is a very important thing in the life of ratings. The higher posts were all filled by Britishers. When the Britishers left all those posts were automatically filled by Indian officers. I do not think even our acting Chief of Staff, or the potential Chief of Staff, Mr. Katari, can dream of becoming the Chief of Staff had the Britishers remained here. They all got promotions when the Britishers left. That is not the case with the subordinate employees, especially the ratings.

There is one aspect with regard to the promotions. We have our training centres for the Navy. When promotions are made the understanding is that at least one-third of the personnel must be recruited from the training centres. Out of the remaining two-third we only request the Ministry to have one-third reserved for promotions. According to the present practice and some regulations, it is only some 2½ per cent or so. If it is because of dearth of qualified personnel to take up those higher jobs, we can understand that. But we understand that there is no dearth of personnel. There are actually very efficient subordinates who can be promoted to fill up higher posts. If that is done I think half of the chances for discontentment in the Navy can be eliminated. The requirement, of course, is only one-third of the personnel from the training centres.

There is again the question of absorption after their service in the Navy. The service in the Navy is only for 15 years. Some of the technicians get very up-to-date knowledge about technical equipments. For instance, there is the Radar. It is not available outside. With regard to electric machines, boiler room and other things they get first-hand knowledge which is not available in the outside establishments. But when these people go outside after their service and are made as reserves, they do not find employment. It is not only that civil employers do not recognise these certificates obtained by these technically qualified people in the Navy, there is another impediment. I met a petty officer in the train who is on the reserve. He told me, this discharge certificate is a disqualification more than a qualification, because it is put down that every two years he will be called for training for one month and, therefore, the civil employers say: "There will be a break of service in your employment. We do not want you. We could have had a permanent man". So, this discharge certificate is becoming rather a disqualification for employment. That officer particularly told me that he would have got employment on Rs. 700 as salary if this service had not been there and if these conditions had not been there. So, these are certain conditions. I do not want to go into the details.

15 hrs.

This absorption after the discharge of the person on pension also is a very important problem as far as the navy is concerned. Then there is the question of salaries and allowances. I do not want to go into the details of those provisions, but it is in this situation that all these provisions of this Bill must be viewed and certain amendments must be made. It is with that *bona fide* object that we had also noted in the Minutes of Dissent certain modifications necessary for these provisions.

In that sense, I would tell this House that the penal provisions as a whole and the punishments put here are much severe. That is not all conducive to the conditions obtaining in our navy at present. We all know that the navy is a baby navy. It is an infant, but this infant is now given a punishment which can be given only to an older fellow. The baby cannot be thrashed like this. If these punishments are given to the baby the baby's limbs will be broken. If it is for the United Kingdom, it is quite different. People quote the United Kingdom Navy Act and all those things. But they forget one thing, and that is, the question of fundamental rights. So far as the question of fundamental rights is concerned, in the United Kingdom there is no such fundamental right written in the law. There is no written constitution as such there. It is all a question of their traditions created through centuries. But here, we have a written law, specifying in chapter III of the Constitution, which should be the fundamental rights. When the abrogation or the curtailment of those fundamental rights is taken up, we must see that such a thing must not be the rule but the exception. When it becomes a rule, simply because Parliament was authorised by the Constitution-makers and the Constituent Assembly to create a new set of rules goverining the fundamental rights as far as the armed forces are concerned, that does not mean that the main object is the curtailment or the annulment of the whole thing wholesale. Of course, restrictions must be placed as far as the forces are concerned in the interests of discipline and in the interests of national security.

If we view these things in that way, the punishments are heavy. They may be quite all right in the United Kingdom or in any other navy which have traditions for long years. As I have already stated, our personnel cannot be viewed at all in the light of the personnel in other navies. Our personnel is much better, so to say, in having our own traditions of discipline and decency. There is a clause here for decency. It cannot be defined or it cannot be amplified. There is a provision for indecency.

[Shri Warior]

Mr. Deputy-Speaker: But it is generally understood.

Shri Warior: Yes; it is understood. But I do not think that that particular provision is essential. It may be necessary. So, let it be there. There is no harm. But as far as our navy is concerned, it will not have to be applied on many occasions.

So far as the punishments are concerned, they are severe and we must see that they are reduced to the minimum that will be necessary to keep discipline in the navy.

I do not want to enter into details about the other points which have been already amplified. But I want to point out only one major issue. That is the creation of the administrative set-up of the navy. Dr. Barlingay, a Member of the other House, has amplified that in his note. The question is a very fundamental one in the sense that there is going on still, I think, a contention between the civil authorities and the military authorities as to who should have the final word in these matters. That has been there in England. I had read certain books about the English history of the armed services, and in that, I learnt that this has been going on for centuries. But finally they had decided that the civil authorities must have an equal say, if not more, on matters of defence of the country and the administration of the armed services. It is in this light that the Admiralty was created in England not only for the navy but for other armed services. There are councils of administration for the air and army services.

Here also, there is another question relating to authority and responsibility. The authority rests with the Ministry but the responsibility rests with the Chief of the Naval Staff. I think it must be the basic principle in these things that these two must rest in the same quarter. Where there is power, there must be responsibility also. Suppose the Minister or the Ministry is issuing an order, the Chief of the Naval Staff has to carry it out with implicit confidence that it will be right. He has no say whatever. He may grumble no doubt or he may send a note of protest even, but he must implicitly obey that and carry out the orders. If any failings had been noted afterwards, then it will be not the Ministry that will be held responsible but the Chief of the Naval Staff. The Ministry can also say that its orders have not been carried out in the proper way, and say, "you have bungled and you are to be penalised". But the Chief of the Naval Staff has no authority at all to decide anything in these matters. So, we must take both these things together, both the wings together—the civil authority or the Ministry and also the Chief of the Naval Staff or the Navy establishment. They must be brought together and all decisions must be taken more or less collectively so that both will be having the authority and both will be having the responsibility also of carrying out the work. In this way only we can create the nucleus for a better and efficient management of our defence affairs and the naval forces.

Now, about the court of appeal. I think there is no justification whatever for not having a court of appeal. The only ground that has been brought forward is delay. Delay is more I think in the bureaucratic way of doing things than in the judicial way of doing things. If a time-limit is specified in the Act itself that all such cases—and all those cases are not very many in our navy and I do not think there had been an occasion even to award a capital punishment at any time in recent years—should be finished within a specified period, it may be all right. A protective provision like that may be there in anticipation of some incidents that may be cropping up somewhere.

As yet, our experience is, it will not come into application more or less for so many years to come unless and until we have a very big navy, so to say, like that in the United Kingdom or the U.S.A. A court-martial appeal must be provided so that these cases which come very rarely, not often, may be settled fairly and so, that the aggrieved parties may have the consolation that all the facts and the legal aspects of the case had been gone through by the impartial tribunal and the parties are not left to the tender mercies of the administrative set-up itself. Of course the Judge Advocate General is there. I do not say he is not a qualified person in legal matters.. But, at the same time, he is part and parcel of the whole administration of the navy. In this respect, I should appeal to the Ministry and to the Government through this House that a dogmatic approach in this case should not be adopted. I emphasise this because in all other respects, in the severity of punishment and so many other things, the Ministry had accepted the stand taken in the United Kingdom. But in this respect alone, the most salutary provision in the Navy Acts of U. K., U. S. A., Australia, Canada and so many other countries, has been left out. I think it is a great injustice to those parties who may be aggrieved later on. So, I appeal to the House that this provision must be there. This is no reflection on the present set-up or the persons or even the President, who have the right to review such cases. That is all I have to submit.

Shri Jaipal Singh: With the passage of this Bill, the Navy Bill, the third and the final stage of the consolidation of legislation for the armed forces will have been reached. This Bill has been long overdue and I am glad that we have followed the pattern of its two predecessors, the Army Act and the Indian Air Force Act, which came before us some seven years ago.

I was really surprised to hear some hon. Members levelling charges that the Government in presenting the original Bill and also that the hon. Members of the Joint Committee had been slavish in following the U. K. pattern. Someone said that this is a *verbatim* reproduction of the U.K. Act. Nothing could be farther from the truth. Certainly there are various Naval Acts of different countries from which we want to learn and India must learn at this nascent stage, whether before this House or before the Joint Committee. But on the whole, the Joint Committee has used its own judgment in trying to adapt things and made modifications such as would suit out armed forces.

I think it is very unfair for anyone of us to think that in character, the Indian navy, because it is Indian, would be basically very very different from any other navy, I would remind the House to bear in mind the old age, "Men may cherish different faiths, but they have to fight with the same guns". If you think of the Indian navy, call it Indian if you like, but the navy has to have certain characteristics. One hon. Member was grumbling that most of the aircraft and naval craft that we have now is taken from the U. K. Well, our difficulty has been that our armed forces today are the bequest of the previous regime and to a large extent and for quite a long time, that bequest and all that we inherit therefrom will have to continue. We cannot overnight scrap what we have inherited. It is a question of big finance. How many countries are there that are willing to give us their naval aircraft for our purposes? We have to go right round the world and take whatever suits us, and I venture to make the bold statement that whatever we have taken so far is not something that is in any way derogatory to the strength of the Indian Navy. Even ships which might have been reconditioned is going to give good service to the Indian navy for the defence of our country

Some hon. Members were ridiculing that we were still adopting the nomenclature of countries like the United Kingdom. They forget that we are legislating in English and in doing so, we have to accpet the meaning of the English words. The word "petty" came in for a great deal of discussion

[Shri Jaipal Singh]

in the committee stage and here too I find it has cropped up again. To my hon. friends who have rather deep feelings on this particular word, and maybe others who hereafter will say something about it, I would just appeal that when they are using the English word, they should not put any Indian meaning into the English words. It would be sacrilege to the English language to do so. The word "petty" is an instance of this type of massacre done upon another language. There is a petty jury, petty judge, petty larceny and the like. The word "petty" is used in different contexts. Does anyone object to the expression "petty jury" or "petty judge", as objections have been made in certain minutes of dissent?

Shri Narayanankutty Menon: There is the petticoat also.

Shri Jaipal Singh: There is the petticoat. It is an honourable coat; there is nothing despicable about it. We talk a great deal about our ancient history. If we do that, in the same breath, we must be histrionic in our sticking to the values and traditions. The older navies of the world are very very proud of their traditions and we should equally be proud of our traditions. Our navy here may not be a navy in the modern sense, but it not so new member. I am very sorry that one hon. Member referred to our navy as the baby navy that must not be slaughtered or beaten up. Well, there are no babies in the Indian navy like that. They are adults and they can stand up to discipline and punishment which they deserve. So, wrong pictures are given and we are misled.

In another context, we are told by our colleagues on the other side, "Democratise the navy". I do not know what exactly they mean by democratising the navy. I wish that homily were addressed to some other countries like Russia because I am rather tired of being told that we are imitating the imperialistic powers and the like. Let our friends give examples of the so-called democratic countries. But that apart, I want to point out that we are dealing with the armed forces and it is not a question of democracy. It is got to be democracy within the precincts of the armed forces.

People have talked about the fundamental rights being restricted. We may talk of the fundamental rights in this House, but you yourself, Sir, being in the Chair restrict them and we welcome it, because there must be law and order. The armed forces are there to defend this country and we cannot let them loose in the name of democracy. Let us not make a mockery of democracy, because things will have to be done in a disciplined way and the word "discipline" itself insists on certain things being outside the purview of what we normally understand by democratic freedom outside the armed forces.

I am rather surprised that much fuss has been made about the enrolment of women to the Indian navy. I would have thought that the hon. Lady Members would have appreciated that the Joint Committee had done them a great honour in leaving them to their own present niche and admitting them only to those sectors where for the time being they are competent and where they can certainly do useful work. It is not merely in the navy that women are left out. In the Indian air force also, women have been left out. There women may be taken on certain kinds of work for which they are quite fit. Why go to the armed forces? Is there a single civil airline in the whole world that accepts a lady commercial pilot? I would like our lady members to tell us: would they like to be enrolled as commercial pilots in the IAC? How many of them would like to offer themselves for that? That would be the test.

So, the question is not of excluding them or excluding them because they are unfit. We have not yet reached a stage when we can make a general rule for their admission. In the aviation field, there is the very eminent French woman who crossed the sound barrier. It is something much more wonderful than what so many other eminent men have done. During the war women were very commonly employed in ferrying aircraft. So, it is not that they cannot do it. But, as a general feature of enrolment, are we to accept our women even though they may be Ranis of Jhansi. You must remember that the type of job expected of you in the Navy is something totally different from fighting. As an hon. Member has correctly stated, there must be a job analysis. The work to be done in the Navy, or for that matter of even the army and the air force, is something totally different.

For instance, you will require a particular type of personnel, particular qualities, certain physical endurance and so on. Suppose a man has to remain in a submarine. It is not every sailor who can go in a submarine. A certain aptitude is essential in such cases. In this particular case, reason demands that we have to preclude women from general normal recruitment. In the navy they have to remain in a restricted space for weeks and months—many months in the open seas—in rough weather. If our young ladies think that they should be exposed to this sort of life, personally I have no objection whatever because, I have no doubt, the seamen and the Indian Navy officials, ratings and everybody, would welcome the fair sex. But, I don't think it would add to the efficiency of the Indian Navy; certainly not, in the high seas.

So, I am supporting the exclusion for the time being—we can have an amendment later on when we find that the whole Armed Forces can be taken over by our better halves; and I would welcome it; there is no objection whatsoever to that—of women from the Navy in their own interest.

My hon. friend, Mr. Patnaik, has suggested certain basic developments in the matter of the administrative set-up of the armed forces. I also agree with him that the time must come some time or the other when we shall have to have these Councils. For example, in the United Kingdom there is the Army Council, the Air Council and the Admiralty and the like.

But, before we do that, I think, we have got to take the preliminary steps first. I would like my friend, Mr. Patnaik, to bear that in mind. In the United Kingdom, for example, you have a very very powerful and highly-organised Navy League with a membership of something like half a million people. There the people know what the Navy should do and what the Government should do for the country and the Navy. What have we got here, may I ask? What arrangements have the civilian population got for the normal welfare activities of the Navy, or for that matter of the Indian Army or Air Force? We have not got anything here. In other countries it is an ordinary thing. So, I think it would be better if we postpone the Council stage.

What we have to do is to educate the country so that the country can compel the Government to do the right thing by the armed forces, and not turn things the other way round. In the matter of the Air Force also the same argument applies. In England, for example, you have got the Royal Aero-Club, which is a very influential body. Anybody who has got an interest in aviation can be enrolled as a member. Here, in this country, what have you got? The Aero-Club of India itself has hardly got 20 members, of which 11 are institutional members, *i.e.*, the various flying clubs which are subsidised by the Government. So, we are not in a position to educate the public properly about aviation and the problems of defence.

So, I would suggest to Mr. Patnaik—I am not opposing it—that this is not the stage at which we can even emulate the military and administrative set up of other countries.

I was surprised to hear Mr. Barua attacking the oath of allegaiance in this Act. He also said that no more

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foreigners should be appointed in the Indian Navy. I am afraid, we are trying to run before we have learnt to walk. Because, everyone wants that Indian nationals should be there. But, what are we going to do when we have not the know-how? We forget that we are in the initial stages when we are talking about replacing foreigners. But there is so much more that we have to learn from the outside world that is new to us because the modern Navy is not the navy of the olden days. Mr. Pattabhi Raman was referring to our navy, laden with the wealth of this country going to Cambodia, Egypt and other places. If that navy could protect us today, it would be much less expensive. But, I don't think it would go far towards ensuring defence of the realm. We should not think in terms of the medieval ages.

My last point is about the vexed question of promotion. It is related to the whole problem of enrolment. I think some hon. members were unnecessarily touchy about what my hon. friend, Mr. Patnaik, said. In fact, I would myself have permitted him to say much more. But, somehow or other, he stopped short. He thought, he had better not create unnecessary friction in the House. It is very important that we should realise that although everyone is an equal citizen of this country, the state of development in regard to military matters and in regard to military consciousness is not the same in every part of the country. Admittedly, we have done away with the obnoxious distinction of martial race and non-martial race. That is a very healthy sign and it is the right thing to do. But, unless we are going to weaken the strength and quality of our armed forces we still have to bear in mind that we should draw more from the people who have had a tradition of being in the armed forces. I have to say this because very often on the floor of this House an advocacy is made that *pro rata* recruitment should take place all over India. That is to say, we have to divide ourselves into various castes, sex and the like and, according to number, so many people must be recruited. I think that would be a very dangerous thing, however democratic the idea might be.

Something similar is also the case in regard to promotions. I am not against promotions to higher ranks. In fact, even at the present moment, people of non-commisioned ranks have the right to appear for commissions. Nothing is preventing them. But, some amendment has suggested that automatically two-thirds of the members shall be promoted. I regret that would be a very dangerous step, not only in the Indian Navy, but also in the Indian Army and the Indian Air Force. We must remember that anything that we suggest here in this particular Bill will have to be incorporated in the other two Acts also. because the armed forces are a co-ordinated organisation, having special characteristics admittedly for, if you are sailing in the high seas, it is not the same as motoring on the ground, or flying up in the air. So, while I do not mind greater stress being laid hereafter on the encouragement of non-commissioned personnel in the Indian Navy to apply for commissions, I would strongly object to the amendments that have been suggested by some hon. Members for the statutory enrolment to commissions of two-thirds from among the non-commissioned ranks, because that, I think, would be a very bad thing.

We should remember also that although young boys of 14 join, their whole life is an education. Members do not realise that the modern armed forces call for a high degree of intellect.

Shri Dasappa: May I know whether the hon. Member feels that restriction of promotion only to a limited percentage is correct or is advisable? Is that desirable, or would he like a little more latitude?

Shri Jaipal Singh: I think in the Constitution itself it is very clear as to how promotions and intake have to take place. Why think of the armed forces? It is the position in regard to the civil services.

Shri Narayanankutty Menon: Which is that article of the Constitution?

Shri Jaipal Singh: I am telling you that. I am all the time advocating further intake of scheduled tribes, for example. Yes, you say: take them, but subject to other conditions. The same thing is obtaining here. There is nothing preventing non-commissioned ranks from going up higher. They can appear, and if they are competent, if they are found suitable, there is no question of restriction. They might be hundred per cent. They might be better than the new entrants. But, all the same, we must remember that we have maintained certain high standards. Let us not lower them. I am not working against the non-commissioned personnel, but all that I say is that it would be wrong, because the whole Constitution would, in my view, be infringed if we were to do so. You will have to do exactly the same thing in the Army. Are hon. Members prepared to do that? You will have to do it in the Air Force. Are you in a position to do it? Let us not make a suggestion just because it sounds mathematically very democratic. From the point of view of the efficiency of the armed forces, in my view a statutory restriction on fresh entrants would be a wrong thing at the present moment, because I am very clear in my mind that our armed forces at the present moment are a very educative force.

Take the case of a naval rating. First, he has to be a matriculate at least to be enrolled, and from that he goes on being educated, and if he is a bright person, he will also in due course be competent enough to compete for the commissioned ranks.

On the whole, I feel this Bill is rightly a consolidating Bill. I do not say for one moment that amendments may not have to be made. On the whole I support it and I do hope that the House will bear in mind that the conditions of work, of service in the Indian Navy are very, very peculiar, and it is because of that that the clauses here also appear to be very peculiar. What we have to bear in mind is not the conditions obtaining on land. Once we can get away from that, we will appreciate why the clauses are as they are.

You will be interested to hear that there were hon. Members in the Joint Committee itself who were very doubtful of some of the provisions that have been included. Some of us asked the hon. Minister to permit us to go and see some of the naval installations. The question was largely in relation to detention, how prisoners are detained and the like, whether they were ill-treated and so on. Some hon. Members did go to Bombay. On their return, they were the warmest protagonists of the clauses that have been brought forward. I only mention this to show that we have to look at the Bill in a realistic fashion. What are we dealing with? We are dealing with the Indian Navy. If we bear that in mind, we shall be going a long way to making the Indian Navy what it should be, and the laws that for the time being should obtain in the Indian Navy should also be in keeping with the spirit of the times.

Mr. Deputy-Speaker: Any other hon. Member now desiring to speak? None. Then the hon. Minister.

Shri Raghuramaiah: I am very thankful to the hon. Members who have covered many of the points. In particular, I would like to say how grateful I am to those who have paid a well-deserved and eloquent tribute to the sense of discipline and loyalty of our armed forces. I think this is one of the things of which we should all be proud, and I am glad it has been realised during this discussion that nothing should be said here or elsewhere which will in any measure affect that sense of discipline and

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loyalty to which I have just now referred.

15.35 hrs.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

A suggestion has been made, or rather an insinuation, if I may put it that way, that a sort of war is going on between the armed forces on the one hand and the civil side of the administration on the other. I would make it clear at the very outset that nothing of that sort is going on. There is at the moment the greatest harmony—a matter regarding which we are proud—between the armed forces, the civil service and the Ministry.

While on the one side we have been accused of copying the British model too much, in the same breath some hon. Members have suggested the adoption of the admiralty pattern. I would like to remind hon. Members who suggested that pattern that the Admiralty Board is not of yesterday. It has had a very long history, a history going back to the days of Henry VII or Henry VIII, and less than a hundred years ago it was threatened with almost immediate abolition. It survived because of certain factors, certain adjustments which are peculiar to the British genius.

I would like to read out a little note from Pepys's Diary which shows the great vicissitudes through which the admiralty passed many, many years ago. It is rather interesting, and with the permission of the Chair, I would quote from it. I am only going over the whole historical background of it to show how well or ill it functioned in those days.

Samuel Pepys in the entry in his diary dated 5th April, 1668 says that he and the chief clerk of the Naval Board had a talk touching that office, and continues:

> "....he and I a great deal of talk touching this Office, how it is spoiled by having so many persons in it, and so much work that is not made the work of any one man, but of all, and so is never done; and that the best way to have it well done, were to have the whole trust in one, as myself, to set whom I pleased to work in the several businesses of the Office, and me to be accountable for the whole...."

And in fact, even in later years, as late as 1861, a commission was appointed and one of the witnesses before the commission, Sir James Graham strongly condemned the Admiralty Board system, and observed: "A Board only works well when the head of it makes it as unlike a Board as possible".

I am not for a moment belittling the importance or the subsequent stabilisation of the Board in the U.K., but it took them years, and even today naturally it is a Board essentially to give advice. Perhaps some hon. Members may not know, and the House will be pleased to know that we have in actual practice the Defence Minister's Navy Committee, the Defence Minister's Army Committee and the Defence Minister's Air Committee.

The very personages or holders of office who, Shri Patnaik suggested yesterday, should be members of it are members of that committee, broadly speaking. In naval matters, the Defence Minister's Navy Committee consists of, besides the Minister, the Deputy Ministers, the Chief of Naval Staff and the Defence Secretary and the Financial Adviser. Similarly, there is a committee in regard to the Air Force and there is a committee in regard to Army matters. And the House will be pleased to know that many, I should say, most important matters of policy are discussed and opportunity is given to everyone to express his opinion.

But, I would respectfully submit that the final authority and responsibility in regard to the policy governing our Army or our Air Force or our Navy must necessarily rest with the Defence Minister who is responsible to the Parliament. The supremacy of the Parliament through that is ensured. Therefore, while we have in actual practice every opportunity given to the heads of the services to associate themselves even in such bodies, the Ministry cannot divest itself of its final responsibility in the matter. In this as well as in various other matters, we cannot ignore the fact that we have to grow out of our own experiences, out of our own moorings, to feel our way about and find solutions which are germane to the genius of our people.

Reference has been made with considerable anxiety to the absence of any provision for appeal against the decisions of the court martial. Hon. Members, many of them, have referred to it and the matter is certainly important enough and that is why I also, when I spoke yesterday, made a specific reference to it. The matter has been given the greatest attention not only by the House and the Joint Committee but also by the Government at all levels.

The situation obtaining in our country today cannot be ignored. Even in ordinary civil life we hear too much of delays of law, and accumulation of arrears and so on. We cannot ignore that state of affairs; nor can we ignore that whatever might be the case in U. K. and in other countries, in our country, as I mentioned some figures yesterday, the number of cases are so few and I should be greatly surprised if there have been any cases of grave injustice within these years. The pattern here is different.

There is, first of all, as I explained yesterday, the obligation on the part of the Judge-Advocate-General whose qualifications are comparable to those of a High Court Judge to review every case. Then, he submits the case to the Chief of the Naval Staff and in certain cases, the case goes up to Government. For instance, in the case of death, confirmation by the Central Government is absolutely essential. In fact, as I mentioned yesterday, there has been no case of capital sentence since 1954.

Over and above that, the Bill also gives an opportunity to the person aggrieved to be heard in person or through a legal practitioner or an officer of the Navy, by the Judge-Advocate-General during the review proceedings.

There is in addition clause 162 which gives the right to a person aggrieved to present a petition either to the Chief of Naval Staff or to the Central Government. Government consider that these provisions are sufficient. We do not want to do anything which may, in any manner, affect the discipline in our Armed Forces. To talk of democracy loosely is bad enough; but, to bring the discussion into considerations of discipline will be tragic. There can be no democracy without leadership. There can be no persons to be commanded unless there are persons to give the command. And, discipline is of paramount importance in life in general, but, more particularly so in regard to the Armed Forces. Government is most anxious that nothing should be done which will in any manner weaken that position. Especially, in the formulative years of the life of our Armed Forces nothing is more important than that we should start well.

Considering all these circumstances, considering the necessity to avoid delays, considering the necessity for the maintenance of discipline, considering the fact that that the numbers are few—I mean the cases which come up before court martial—and considering also that there has been no miscarriage of justice so far, Government are satisfied that the provisions as they are should remain.

Regarding fundamental rights, some hon. Members have gone to the extent

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of saying that there has been a violation of fundamental rights. I am most surprised. If that is a charge, that is a charge against the framers of the Constitution. I am referring to article 33 of the Constitution. Article 33 specifically provides:

> "Parliament may by law determine to what extent any of the rights conferred by this Part shall, in their application to the members of the Armed Forces or the Forces charged with the maintenance of public order, be restricted or abrogated so as to ensure the proper discharge of their duties and the maintenance of discipline among them."

May I say with all respect that we have done nothing more and nothing less than what the Constitution permits to be done. When we are dealing with a law which relates to the Armed Forces, we cannot help bearing in mind that we are dealing with a situation which is entirely different from what prevails in ordinary civil life and, naturally, in view of the very limitations of it certain restrictions have to be imposed. But the restrictions contained in this Bill, if I may say so, are no more and no less than what are required by the Constitution.

I shall now come to another subject. A number of Members referred to the provision relating to women in clause 9 of the Bill. Some hon. Members tried to make out that there was a ban on women entering the armed services. Some speakers who preceded me were good enough to point out that there is no such total ban. Clause 9(2) says:

> "No woman shall be eligible for appointment or enrolment in the Indian Navy or the Indian Naval Reserve Forces except in such department, branch or other body forming part thereof or attached thereto and subject to such conditions as the Central Government may, by notification in the Official Gazette, specify in this behalf."

Power is given to the Central Government to notify the departments etc. in which women can be taken. The life in the Army or Navy or Air Force is so different and arduous and taxing and the conditions there are so vitally different that it is not considered at the moment desirable to remove this clause. If circumstances change, if the situation changes, if our whole mode of life changes and the whole society and national life changes, if after twenty years hence something happens, there is nothing that prevents us from doing away with this clause. We can then throw open all the service cadres to women. But we can only go now by what is now prevailing. As my hon. friend Shri Jaipal Singh has said, the whole technique of work, the nature of work, is so arduous that it is not considered desirable to put our mothers and sisters to this arduous line of work. This apart, the fact that people who go out on the high seas day in and day out under very trying and strenuous conditions should be left to devote themselves absolutely, without disturbance, to the discharge of their duties is there.

Shri Narayanankutty Menon: How is the disturbance coming there?

Shri Raghuramaiah: I do not want the hon. Member to make me say anything more than what I really meant.

Reference has been made also to the nomenclature of petty officers. I had occasion the other day to speak to one of the highest authorities from U.K. on this point. I just casually mentioned to him that in some quarters there was some objection to the word 'petty' officer. He was shocked because he said that in naval terminology there is not only nothing disagreeable about it but that a man is proud to be called a petty officer. It is a term of endearment. It has grown up from ages. If we can adopt English language even for this Bill, I do not see why with reference to that particular word, we should change it. English language, if I may say so, is a very curious language.

Shri M. C. Jain (Kaithal): Things would have been different if he were a petty officer himself.

Shri C. R. Pattabhi Raman: The objection was 'petty Officer' and 'ratings'. I find the objection was for these words as such.

Shri Raghuramaiah: You cannot take the English language except in the context, and with all the meanings attached to each word therein. If you want to be logical, English is not such a language. Take the word 'knave' and take also the word 'nave'. You have 'k' in one and 'n' in the other. So, you cannot go by logic and if you adopt a language, you have got to adopt it with all the connotations and imputations which each word has. There is nothing disagreeable about this. On the contrary, this term of endearment has grown up through ages. If you want to change it, you have to change the whole of the nomenclature in the Bill. Certainly when we have a Bill in our own language, national language, we shall change every one of these words. But when we adopt the whole structure in a language wherein that structure has grown, I would most respectfully submit that there is nothing anomalous in adopting any particular nomenclature therein.

Shri C. R. Pattabhi Raman: May I point out that this term has got a peculiar meaning. It may be endearment in English language. But just imagine a petty officer's wife in India describing her husband in Hindi! It would be disastrous.

Shri Raghuramaiah: I hope in Hindi when the term 'petty officer' is translated we will find a word which will also be one of 'endearment' as in English.

Shri C. R. Pattabhi Raman: It would not be *chota* officer.

Shri Jaipal Singh: It would be P.O.

Shri Raghuramaiah: Some hon. Members mentioned about promotions. It is an accepted principle of administration that there must be fresh blood at every stage of the administrative machinery. You cannot have a superannuated man at the head of administration. You cannot make that a rule. There may be exceptions. There may be brilliant men but that is a different matter. In this case, more particularly the qualifications required of an officer are so different from the qualifications required of a rating. If a rating has got the same qualification, same ability, same training and so on, I dare say—if in practice such a situation arises—there is nothing that prevents him or any person who enters the last cadre of the naval service from becoming the topmost man. That is one thing. But, it is another thing to say that there should be no fresh recruitment at any stage. As I mentioned, the training is different. The educational qualifications are different. Naturally, that is to be so. What we are trying to do is to throw open a certain proportion and thus there is no bar at all. I would say that this is a very salutary practice.

I would also refer to one or two matters which have been raised during the course of the debate. Shri Warior, I think, referred to food. I am sorry a reference has been made to it. Sorry in the sense that the picture has been painted as if people are all starving or eating the rotten type of food in our Navy. My information is that the food supplied is certainly consistent with nutritional standards. The way it was put by the honourable Member may give a totally wrong impression. That is why I have referred to it. Our men are fed as well as we and our country can afford and as the nutrition standards require. It is not as though people cannot make a complaint if there is bad food. As one of the hon. Members drew attention to this particular aspect, there are provisions in the Bill which enable an aggrieved

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person to make representations. All that is prohibited is that one should not take advantage of it and create disturbances and so on.

16 hrs.

One hon. Member referred to the provision in which there is a mention of illegitimate children and said, why encourage this. Well, nobody is encouraging that sort of thing. The provision is contained in clause 31 of the Bill which says:

> "A person subject to naval law shall be liable to maintain his wife and his legitimate or illegitimate children to the same extent as if he were not so subject;"

It only saves the ordinary law of the land. If there is liability to maintain illegitimate children under the ordinary law of the land, that is saved. No fresh obligation is created under this law.

Shri C. R. Pattabhi Raman: Sir, I have one small doubt. What about a person without a wife. Here it only says about wife and not the woman who gave birth to an illegitimate child.

Shri Raghuramaiah: There is nothing in this clause which takes away the right of any person under the civil law in regard to this matter.

Shri S. V. Ramaswami (Salem): There must be some work for the lawyers.

Shri C. R. Pattabhi Raman: We do not want work at the expense of the Navy.

Shri Raghuramaiah: There was also mention of the deposit required under the Act in cases where a person is to be summoned. There is a summary procedure under this Bill which enables the Central Government or the Naval Authority to award maintenance in certain cases, if they consider that it is so required, and to make deductions for it from pay etc. But in cases where they are not so satisfied, or where recourse is not had to that summary procedure and somebody goes to a civil court and files a suit, it is not considered desirable that we should compel a person serving on high seas or in another place to come all the way because a suit is filed. The proper remedy in such cases is not to resort to that procedure at all, but to go to the Central Government or the Naval authorities and, according to the provisions here, make a case. Then if the authorities are satisfied that it is a case where provision has to be made, power is taken under the Bill to make that provision. It is only in exceptional cases where the matter is taken to a court, where it would cause so much dislocation apart from the trouble and other things involved in persons coming all the way from high seas or other place of duty that this provision will come into operation.

I am sorry there was some misunderstanding about drunkenness. I am afraid I had not made the position clear in my opening speech. I was pointing out that the officers guilty of drunkenness and persons of other ranks found so guilty were treated differently under the original Bill. The position, if I may clarify, is this. Under the original Bill an officer who was found guilty of drunkenness was punishable with dismissal with disgrace and he was not subject to imprisonment. Imprisonment is a higher form of punishment than dismissal with disgrace. In the case of a seaman if he was found guilty under the original Bill he was liable for imprisonment for two years while in active service and six months if not in active service. Therefore, there was a distinction between active service and non-active service in the case of seamen, while there was no such distinction in the case of an officer. That distinction has been removed, and both in the case of officers and in the case of seamen the provision has been made equal in one set of circumstances, that is by imposing a sentence of two years during active service and six months during non-active service. Actually, when we examine the provisions closely it will be found that the punishment imposed now, under the Bill as it has emerged from the Joint Committee, in the case of officers the punishment is more severe than what it was before because, as I mentioned earlier, in the case of officers under the original Bill the maximum punishment was only dismissal with disgrace and it did not involve any imprisonment, whereas now the maximum is imprisonment and imprisonment involves dismissal in the case of officers. Therefore, under the Bill as it has emerged from the Joint Committee, the punishment on the officer is made more severe than it was under the original Bill. I hope I have made that point clear.

I would only like, since a discussion has again arisen about the officers of the Ministry,—a subject which I really did not want to raise here—to refute the allegation or insinuation made that any particular officer of the Defence Ministry is not experienced enough. I am grateful to those Members who have taken the line, and I think it is a right line, that an administrative man need not always be a technical expert. We have advanced in matters of administration a long way, and I think it is generally recognised that an administrative officer need not be a technical man. The officers we have are all able officers working with efficiency and in a very co-operative spirit. I do beg of the House not to say anything which will disturb their equanimity.

Shri Narayanankutty Menon: I want one small information from the hon. Minister. As far as promotion is concerned, we would like to know the present procedure with regard to the proportion from the lower ranks when officers are recruited. Secondly, we would like to know whether there is a report of the Enquiry Commission appointed on the Naval Mutiny of 1946, and whether Government is prepared to place that report, which will be very useful for discussion on the various sections of the Bill, on the Table of the House. That same report was given to the Press by Mr. Geoffray Miles in 1946, and it is not available anywhere now.

Shri Raghuramaiah: I am sorry the report in question cannot be disclosed in the public interest. Regarding promotions the proportion is now 12½ per cent. of the total annual intake of officers.

Shri U. C. Patnaik: May I know from the hon. Minister the constitution of the Army, Navy and Air Committees, how often they meet, what are the subjects that they deal with and how they compare with the Admiralty?

Shri C. R. Pattabhi Raman: Sir, is it in the safety of the nation to divulge all those figures, how many times they meet and so on?

Shri Raghuramaiah: I may say that the committees in question meet as often as necessary and as exigencies of the circumstances require.

Shri Narayanankutty Menon: Sir, I rise on a point of order. The document which relates to the publication of the Report of the Royal Navy has been disclosed by the Commander-in-Chief of India in 1946 to the Press.

Mr. Chairman: Order, order. There is no point of order. If it was disclosed sometime back it does not require to be disclosed now.

Shri Narayanankutty Menon: The hon. Minister stated that in the public interest the document cannot be disclosed now.

Mr. Chairman: So the contention is that the statement of the hon. Minister is not correct. Is that the point of order?

Shri Narayanankutty Menon: The point is whether the hon. Minister can refuse to place a report which has already been published in the interest of 'public interest'?

Mr. Chairman: I do not know of any rule by which the Chair or the House could just compel the hon. Minister to lay on the Table a document. After all, if the hon. Minister says that it is not in public interest, we must accept it. There is no point of order.

Shri Dasappa: If it was published, a copy of it might have been placed on the Table of the House.

Mr. Chairman: I shall put the motion to the vote of the House.

The question is:

"That the Bill to consolidate and amend the law relating to the government of the Indian Navy, as reported by the Joint Committee be taken into consideration."

The motion was adopted.

Mr. Chairman: We will proceed to the clause-by-clause consideration. For clause 2, there is no amendment. I shall put it to the vote of the House.

The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3— (*Definitions*)

Mr. Chairman: There are several amendments to clause 3.

Shri Narayanankutty Menon: I beg to move:

(i) Page 3, lines 22 and 23—

omit "and any person in arms against whom it is the duty of any person subject to naval law to act"

(ii) Page 4, line 6—

omit "a commanding officer"

(iii) Page 4, (i) line 10 and wherever they occur in the Bill—

for "petty officer" *substitute* "junior commissioned officer"; and

(ii) line 11 and wherever they occur in the Bill—

for "chief petty officer" *substitute* "chief junior commissioned officer".

(iv) Page 4, lines 23 and 24—

for "liable to be arrested and tried under this Act for any offence" *substitute* "subject to the provisions of this Act".

Shri U. C. Patnaik: I beg to move:

Page 3, line 27—

add at the end:

"and shall include the Indian Naval Reserve, the Indian Fleet Reserve, the Indian Naval Volunteer Reserve, the Indian Fishermen's and Coastal Seafarers' Reserve and Auxiliary Naval forces".

Mr. Chairman: These amendments are before the House. Discussion can now proceed.

Shri Narayanankutty Menon: The only point in respect of these amendments is on which discussion has already been there; the hon. Members have addressed their criticisms and the hon. Minister has also replied. About the removal of the words, "petty officer" a lot has been said about the English language, and as long as we enact in the English language, it is not at all possible for us to find out any other term. That was perhaps the feeling. Now, in the Constitution, this House is called House of the People, and afterwards we used the term "Lok Sabha". According to wise men it is more congenial to our own conceptions. Regarding "petty officer" it may be that a very high Admiralty officer disclosed a sort of surprise to the hon. Minister and to the hon. Minister that word "petty officer" is a very venerable and honourable term.

So far as the British navy is concerned, it may be so. It has been expressed in the Select Committee also and we had opportunity, as the hon. Minister had the opportunity to talk to the high officers of the British navy, to talk with many of the petty officers of the Indian navy, and to all the hon. Members who have seen the navy in their exercises, almost all the petty officers invariably expressed their resentment at being addressed as petty officers, because they consider that in the present circumstances, the words "petty officer" are not at all suitable.

Another point is, the term "petty officer" itself came to the British navy because of the old traditions of the British navy in which the officer class of the British navy were commissioned from a particular category of privileged persons in England. There, no erdinary common man could be promoted to a rank much higher than the petty officer.

As far as we are concerned, now, translations are going on in Hindi in respect of many words which have been normally used in English. In many places, curiously enough, we find translations, imposed upon people, of certain technical phraseologies. So, it will not be very difficult if we could not find a suitable phraseology for substituting the term "petty officer" so that the resentment that now exists in the minds of the petty officers may be removed.

We feel that "junior commissioned officer" and "chief junior commissioned officer" must be substituted because in the army we have got the equivalent rank. During the British days there was the Viceroy's Commissioned Officer. He was an officer who was somewhere between the King's Commissioned Officer and the ordinary ranks. Now, after Independence, the Viceroy's Commissioned Officer has been substituted by Junior Commissioned Officer. There may not be any difficulty at all to substitute this term "petty officer" by "junior commissioned officer". Whatever might be the honourable meaning of "petty officer" as my hon. friend Shri Jaipal Singh said, there may be something which is petty about that whole matter. Otherwise, our own petty officers, many of them, have no cause to feel resentment which is the paramount consideration. The interpretation given to that term, either in the English language or in any other language, as to its nomenclature has been taken by those who are called by that name. I am respecting their sentiments. But it is not a question of big policy affecting the discipline of the armed forces. We may find out a suitable term and we have got the term "junior officer". I appeal to the House that this objectionable term "petty officer" may be substituted by "junior commissioned officer".

Shri U. C. Patnaik: Mr. Chairman, by my amendment and other similar amendments, I want to impress upon the Government and this House the importance of raising reserves and auxiliaries. Here, it simply says:

> " 'Indian Naval Reserve Forces' means the naval reserve forces raised and maintained by the Central Government".

The same is practically the definition at other parts of this Bill. I am submitting that there was an old Act of India, the Indian Naval Forces Discipline and Naval Reserve Forces Discipline Act of 1939. It was a detailed Act. It contemplated the formation of four reserves—the Indian Naval Reserve, the Indian Fleet Reserve, the Indian Naval Volunteer Reserve and the Indian Naval Communication Reserve. Then it was provided with rules and regulations and penalty to attend when required and so on.

Later, in 1950, the rules were made for the appointment of officers, for the appointment and conditions of service and procedure of enrolment and re-enrolment of the persons other than officers and so on. This was in 1939. During the last so many years, there has been no attempt to raise the reserve forces and there have been no reserve forces except a small naval reserve consisting of people who have either retired from naval service or

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who have taken their discharge. That is only a very small force.

But, as a matter of fact, the importance of the three services consists in the scope for expansion through the reserves. That is what other countries are trying to do, namely, to have some scope for expansion of the regulars by the reserves. The difference is a difference in expenditure and the expansion of the fighting potential of the nation. From that point of view, we had expected that the Ministry of Defence and the Naval Headquarters would try their best to raise some sort of reserves. No reserves have been raised except a very small number and that too, of one category, although it has been laid down in the Act of 1939 that there should be four categories.

Then again, I have also tried to add another kind of reserve, namely, a sort of Coastal Seafarers' and Fishermen's Reserve. Canada, which was faced with the same difficulty of reserves in 1937-38, also took recourse to a coastal seafarers' and fishermen's reserve. That was a scheme given by a civilian, one Mr. Rowland, and that scheme was accepted. They had taken recourse to a fishermen's reserve. So, I would emphasise upon the formation of such reserves, not because I am very particular that this clause should be amended, but I am particular that Government should take note of the fact that though they are professing that they are raising so many reserves, as a matter of fact, they are not having practically any reserves at all.

It is for the House to bear in mind that this slackness on the part of Government to build up reserves and to build up the reserve potential of the country on the army, naval and air side, is not good. These reserves are a very important feature of modern military development and the Government should do their best to build up these reserves.

श्री मू० चं० जैन : सभापति महोदय, श्री मेनन ने शब्द "पेटी आफिसर" को "जूनियर कमिशन्ड आफिसर" से सब्स्टीच्यूट करने के लिए जो अमेंडमेंट नम्बर ४ पेश की है, मैं उस की ताईद करने के लिए खड़ा हुआ हूं । अभी हमारे डिप्टी डिफेन्स मिनिस्टर साहब ने "पेटी" शब्द को डिफेन्ड करने के लिए आर्ग्युमेंट दी थी कि कुछ दिन हुए यू० के० के एक बहुत बड़े आफिसर उन से मिले और वहां इस शब्द का जिक्र हुआ । उन्होंने फरमाया कि वे तो इस बात के प्राउड हैं और यह कि यह तो वर्ड आफ एनडोयरमेंट है । मैं ने पहले भी कहा था और अब फिर विद आल दि ह्युमिलिटी एंड विद आल दि एम्फेसिस एट माई कमांड यह कहना चाहता हूं कि अगर वह खुद एक पेटी आफिसर होते और जवाब देते कि मैं इस के बारे में प्राउड हूं, तो फिर तो इस दलील में कुछ वजन होता । जिन्होंने यह टर्म इन्ट्रोड्यूस की है, वही इस के डिफेन्स में कहें कि यह एक बड़ा अच्छा शब्द है, तो इस के कोई मायने नहीं है ।

श्री मेनन ने कहा है कि जायंट सलेक्ट कमेटी में इस शब्द पर बड़ा डिस्कशन हुआ और कमेटी के मेम्बरान ने, जो कि मुख्तलिफ पार्टियों से ताल्लुक रखते थे, किसी एक पार्टी में नहीं—जिस की वजह से उन का कोई खास प्रेजुडिस हो—बशमूल कांग्रेस पार्टी के, इस बारे में कहा कि . .

Mr. Chairman: It is not usual or even allowable to disclose what happened in the Joint Committee and what the Members said there.

श्री मू० चं० जैन : इस बात को छोड़ कर मैं सिर्फ यह कहना चाहता हूं कि इस हाउस के आनरेबल मेम्बरान का खुद का तजुर्बा है, जो कि उन्होंने मुख्तलिफ जगहों पर, नेवी के अफसरान से, जिनमें पेटी आफिसर्ज भी थे, बात चीत कर के हासिल किया है, कि वे इस शब्द से नफरत करते हैं । मैं हैरान हूं कि इसके बावजूद यह गवर्नमेंट और हाई आफिसर्ज क्यों इस पर स्टिक करते हैं । उन का यह स्टिक करना उन की कनजरवेटिज्म

की निशानी है। एक तरफ तो हम सोशलिस्टक पैटर्न का समाज चाहते हैं—एक ऐसा समाज चाहते हैं, जिस में न केवल आर्थिक दृष्टि से डिसपैरिटी दूर करनी है, बल्कि सामाजिक दृष्टि से भी डिसपैरिटी दूर करनी है और दूसरी तरफ हम एक ऐसे नामेनक्लेचर से चिपटे रहना चाहते हैं, जिससे सामाजिक डिसपैरिटी साफ तौर पर जाहिर होती है। मैं अर्ज करना चाहता हूं कि इस शब्द का इस्तेमाल एक पुराने समाज की निशानी है, जो समाज एक प्रिविलेजिज का समाज था, अधिकारों का समाज था। उस समाज को हम ने नहीं रहने देना है।

इस मामले में कोई तनख्वाहो का सवाल नही है। मह एक बिल्कुल मामूली सा सवाल है और वह यह है कि बहरी फ़ौज में जिन लोगों को पुराने जमाने मे—अंग्रेज़ी राज्य के जमाने मे—पैटी आफ़िसर कहा जाता है, जिस शब्द से नफरत करते हे, उन के इस नाम को तब्दील कर दिया जाय। अगर उन को जूनियर कमिशन्ड आफिसर कहा जाय, तो पता नहीं बहरी फौज मे कौन सी आपत्ति और कौन सा इन्क्लाब आ जायगा। हमे पता नही इस से उनकी दृष्टि में—हमारी दृष्टि मे तो पड़ जायगा और वह यह कि उन का दर्जा ऊंचा और बाइज्जत हो जायगा—क्या फर्क पड़ जायगा।

एक आनरेबल मेम्बर ने यह भी कहा कि पैटी जूरी भी कहते हैं, यह कोई आफेन्सिव बात नहीं है। मैं अर्ज करना चाहता हूं कि पैटी जूरी का ताल्लुक एक इन-एनिमेट चीज से है, इसलिये उस मे कोई फर्क नही पड़ता है, लेकिन पैटी आफिसर एनिमेट, जो कि लाजिमी तौर पर एक नफरत की बात हो जाती है। अब भी टू लेट नहीं है। हम अपने उन हजारों नौजवानों को, जिन को नफरत की निगाह से देखा जाता है, एक दर्जा, एक स्टेटस दे। यह कोई मुश्किल बात नहीं है। यह कोई बजट का सवाल नहीं है। अफसरों के नामेनक्लेचर को बदलने से कोई गड़बड़ी नहीं होगी।

इन अलफाज के साथ मैं डिप्टी डिफेन्स मिनिस्टर साहब से नम्रता से दरख्वास्त करता हूं कि वह इस तरमीम को एक्सेप्ट करें। इससे किसी किस्म की कोई हानि नहीं होगी, बल्कि हमारी गवर्नमेंट की नेवल फोर्सिज का स्टेटस बढ़ेगा, शान बढ़ेगी।

Shri Raghuramaiah: I have already explained the last point, i.e. about the term "petty officer'. I may mention that not only it is a term which occurs in the naval terminology of U.K. and I think all the world over in all the navies, but it is a term which has gathered a certain tradition behind it. If the Government have any evidence that there is anything dishonouarble associated with it, certainly there is no question of standing on any prestige, that is not the point. As I have said, I repeat it, we have no information that there is anything at all dishonourable associated with it. Perhaps the word "petty" when considered in some other contexts in which it occurs, might have misled some people to draw certain conclusions, but in the term "petty officer" itself, there is nothing wrong. As I said, it is an expression well understood not only in U.K. but in all other navies of the world.

I would, therefore, beg of the Members again not to insist on the change in this particular word, because, as I said, if and when we have a Bill of this nature in our national language Hindi, naturally we will revise every word. At that time, we would take note of not only this word, but every other word.

Shri Jadhav (Malegaon): What will be the Hindi equivalent of this word?

Shri Raghuramaiah: There is enough time to consider it.

Shri Jadhav: Is it necessary that we should copy other countries like this?

Shri Raghuramaiah: I am very sorry that time and again the word "copying" is referred to here. After all, it is a privilege of a backward nation to take advantage of all the experience

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in the world and to benefit by that experience. Our navy is young. It is in the process of being built up. There is nothing to be ashamed of, if we look into the history of other countries and find out whatever is the best tradition among them. To call it copying and to refer to it in such contemptuous tone, I submit, is not fair. We do not blindly copy. We judge everything in relation to facts and in relation to our own conditions and if we find it is suitable, we certainly adopt it. Where we find that adaptations are necessary to suit our conditions, we change it. In this particular case, as I have said, as Government are advised at present, there is no reason to alter the designation. So, the amendment cannot be accepted.

Mr. Chairman: I shall now put amendments to the vote of the House.

The question is:

Page 3, lines 22 and 23—

> *Omit* "and any person in arms against whom it is the duty of any person subject to naval law to act"

The motion was negatived.

Mr. Chairman: The question is:

Page 4, line 6—

Omit "a commanding officer"

The motion was negatived.

Mr. Chairman: The question is:

Page 4—

> (i) line 10 and wherever they occur in the Bill, *for* "petty officer" *substitute* "junior commissioned officer"; and
>
> (ii) line 11 and wherever they occur in the Bill, *for* "chief petty officer" *substitute* "chief junior commissioned officer"

The motion was negatived.

Mr. Chairman: The question is:

Page 4, lines 23 and 24—

> *for* "liable to be arrested and tried under this Act for any offence" *substitute* "subject to the provisions of this Act".

The motion was negatived.

Mr. Chairman: The question is:

Page 3, line 27—

add at the end:

> "and shall include the Indian Naval Reserve, the Indian Fleet Reserve, the Indian Naval Volunteer Reserve, the Indian Fishermen's and Coastal Seafarers' Reserve and Auxiliary Naval forces".

The motion was negatived.

Mr. Chairman: The question is:

> "That clause 3 stand part of the the Bill"

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4.—(*Fundamental rights to apply to persons subject to naval law with modifications*)

Shri Easwara Iyer: I beg to move:

Page 5, lines 5 and 6—

omit "or abrogated"

If this amendment is accepted, the clause will read thus:

> "The rights conferred by Part III of the Constitution in their application to persons subject to naval law shall be restricted to the extent provided in this Act."

In pressing this amendment, I desire to point out that so far as this House is concerned, it is legislating with respect to the fundamental rights of the armed forces. The hon. Minister may kindly refer to article 33 of the Constitution. Article 33 merely provides that the Parliament can make laws restricting or abrogating the Fundamental Rights conferred upon the the citizens, so far as the Armed Forces are concerned. Here is an enactment that deals with Navy. It is stated that this restriction is contemplated in the interest of discipline in the navy. We also know the necessity of some restrictions. But, where is the necessity of total curtailment of the Fundamental Rights? I am putting it in a legalistic way. Where is the necessity of preventing these people from availing of these rights? If there is nothing inconsistant with the provisions of this enactment, then it may be open to the navy men to plead that they should also get the Fundamental Rights, subject to reasonable restrictions. So, I request that this amendment may be accepted.

Mr. Chairman: The question is:

Page 5, lines 5 and 6—

Omit "or abrogated"

Shri Raghuramaiah: The language used in clause 4 only follows the provisions in the Constitution—article 33. I am not a great constitutional expert, but I would submit that the line between "restriction" and "abrogation" is very thin indeed. Because, to the extent there is restriction, I suppose there will be abrogation also. I think it is by way of abundant caution that both the words were used. The fathers of the Constitution have used both words in article 33.

Clause 4 specifically provides for such restriction or abrogation. It is clear that if there is no abrogation in the other clauses of the Bill, then clause 4 to that extent cannot have any operation. I submit that clause 4 may remain as it is.

Mr. Chairman: I shall now put amendment No. 6 to the vote. The question is:

Page 5, lines 5 and 6—

omit "or abrogated".

The motion was negatived.

Mr. Chairman: The question is:

"That clause 4 stand part of the Bill".

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5.—(*Power of Central Government to raise and maintain naval forces*).

Mr. Chairman: Is Mr. Patnaik moving his amendment to clause 5?

Shri U. C. Patnaik: I am not moving my amendment.

Mr. Chairman: The question is:

"That clause 5 stand part of the Bill".

The motion was adopted.

Clause 5 was added to the Bill.

Clauses 6, 7 and 8 were added to the Bill.

Clause 9.— *Eligibility for appointment or enrolment*).

Shri Narayanankutty Menon: I beg to move:

Page 6—

omit lines 26 to 30.

We are now going back to the question of women even though it has already been raised and replied to by some hon. Members. But, certain points have been made by the hon. Shri Jaipal Singh, where he pretended to put up a very strong case on the advisability of such a provision. He also hinted that certain hon. Members have said that there should be total prohibition on the recruitment of women. A wrong impression has been created that it has been put forward by this side of the House, by some of the hon. Members, that we want compulsory conscription of women in the armed forces. It has never been the case of any hon. Member that immediately this Act is passed, women should be immediately conscripted to the Navy or the Air Force. We only meant that there should not be a ban imposed by any

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of the provisions of the Bill, that in the normal course women should be able to join the Navy. It has been pointed out by some hon. Members that they would like to leave women in their proper place. We are also for leaving them in the proper place. If at all women feel capable enough to join the Navy, knowing very well the hardships of the Navy, we submit that that opportunity should not be denied to them.

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): In which other countries are women recruited to the Navy?

Shri Narayanankutty Menon: In all the other countries women are recruited to the Navy, and the women played a glorious part in the Navy as well as the Air Force and the Army.

Shri S. V. Ramaswami: Where?

Shri Narayanankutty Menon: Especially in the Commonwealth countries from which—I shall this time use the word "borrowing" because the hon. Minister takes objection to the word "copying"—the provisions of the Bill have been borrowed

Women elsewhere have proved quite competent to undertake solo flights on planes at one stretch over the Atlantic. They have also made themselves competent and capable enough to fly jet bombers and jet fighters at supersonic speed. So, why should we put a ban under this clause that in this country women should be prohibited from joining the Navy.

An argument for retaining the clause that we should not have the disturbance of the presence of women in the Navy. I do not understand it because I am not much experienced, but it has never been our experience that the presence of women has been a source of disturbance. On the contrary, in the fighting forces when young people are being, so to say, ostracized in the Navy and are away from social life, it will be all the more encouraging, and there will be more discipline and also an impetus for the men to work and prove themselves by the mere presence of the other sex there. Rather than being a source of disturbance of mind to the armed forces personnel, I feel that the presence of the other sex in the armed forces will certainly increase the sense of discipline and also efficiency. We should also remove such a ban on women joining the Air Force. We need not compel them to join, but we should throw open the door if women who are highly advanced, cultured, trained and educated in this country should choose to join the Navy.

The hon. Minister said that we are not putting a total ban, but only delegating the power to the Central Government to prescribe the departments to which women may later on be recruited. In the same breath he spoke against women being admitted. So, we fear the power delegated to the Government will be utilised not for throwing open the doors to women. The mentality of the Government has been disclosed now, therefore even this delegation should not be entrusted to an authority which has already pre-conceived notions about women. Therefore, the delegation should be removed, and the ban against women joining the Navy should removed, and the clause should be deleted.

Mr. Chairman: Amendment moved:

Page 6—

omit lines 26 to 30.

Shri Dasappa: When Shri Menon was making such a passionate appeal for the removal of this ban against women, I was wondering whether he was at all serious. I am pretty sure that hailing as he does from the West Coast, he knows what these shops are, what these cruisers and battle ships are, and what kind of life one has to lead on those ships.

I had recently the occasion to see our own Flag ship "Delhi" at Bombay, and let me say that merely to go over the ship, into the various parts, was a most strenuous job. Many of my colleagues did not choose to follow me. They felt so exhausted, and they said: "You better go and see those different parts".

Shri Hem Barua: On a point of information. Were they men colleagues?

Shri Dasappa: Of course, men. As I said, the question of women being employed does not come in. I am more amused at this amendment than anything else, because I am perfectly certain that no women can stand the strain and the stress of naval life.

An Hon. Member: Question.

Shri Dasappa: My friend says he questions. I would ask him to just go to one of these ships and do the work of merely going through the ship and seeing its different parts. Then he will say whether he would be in a position to question my remark.

I think it would be madness on our part now to say that women can be recruited to the Naval Force. I think the hon. Minister has correctedly said that there are certain categories of services where the women can certainly be employed and that the Central Government reserves to itself the right to declare what those categories are. Therefore, I feel that the provision as it is should remain.

Shri Raghuramaiah: Sir, I have already stated the position of Government in this matter. I am not aware that there is anywhere total admission of women without any restriction whatsoever. In any case, in our country we have women in the medical services of the Armed Forces doing admirable work. It is not as if we belittle the valuable services. As I mentioned, the question is one of the strenuous conditions of life that are obtaining in other branches. I have nothing more to add except that the amendment should be rejected.

Mr. Chairman: I will now put the amendment to vote.

The question is:

Page 6—

omit lines 26 to 30.

The motion was negatived.

Mr. Chairman: The question is:

That clause 9 stand part of the Bill.

The motion was adopted.

Clause 9 was added to the Bill

Clause 10.— (*Commissions and appointments*)

Shri Narayanankutty Menon: Sir, I beg to move:

(i) Page 6—

after line 32, *add*:

"Provided that one-third of the total appointment of officers shall be made by grant of commissions to persons who are enrolled in the Indian Navy."

(ii) Page 6—

after line 37, *add*:

"Provided that half of such appointments shall be made by promotions."

Sir, by these amendments we seek to place a statutory minimum for the grant of commissions by the President. The hon. Minister, in answer to a query, said that the present practice is that 12½ per cent. of the total appointments are made from the lower ranks.

We have an overall picture of the qualifications prescribed for joining the Navy. Now, the lower ranks, the ratings, get intensive training, when these young men are 15 years of age. Certainly, when appointments are to be made to the officers' cadre or commissions are to be granted by the President, it will be found out that from the lower ranks there will be enough qualified and suitable persons

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for appointment. It is not even the case of Government that there have been at any time any dearth of personnel suitably qualified in the lower ranks for granting commissions and getting themselves promoted.

If a person joins the Navy with the prescribed qualifications and spends a number of years in the hope of looking to the large golden line of these officers and dreaming that one day he will be able to put the hat with the laurels on and if he finds after putting in good service for a long period of years that his chances for promotion are barred because only 12½ per cent. can be promoted and the rest of the officers are to be directly recruited, then, that will certainly not be conducive to the efficiency in the lower ranks.

In any service, even in industries and others there will be a certain sort of stagnation in the mind of the youth if after putting a number of years of good service they could not find a good future in their front. Here the promotion from lower ranks is quite limited and whenever vacancies arise for commissioned ranks new people are recruited. Now the commission is granted in the Navy. The minimum qualification required is a school final certificate, a good physique and also a certain number of marks in the interview. In the lower ranks, there are thousands of ratings who have got these qualifications. They have also had the training for a number of years. The decision made by the Government is that except for 12½ per cent, the rest are to be recruited afresh. Certainly some more percentage could be found out for recruitment from the lower ranks. So, why should we place a statutory bar upon the Government to search and select suitable people. We have introduced this amendment after knowing the position that the Government is now adopting this principle of 12.5 per cent. Many times it has been admitted by the Government that there are large number of qualified personnel in the Navy who could suitably fill in the posts of officers there. 12.5 per cent is quite inadequate. The Government may not realise the consequences. There may be stagnation and discontent in the ranks. If you put it at 33-1|3 per cent, it will not be a reflection upon the present way of recruitment. It only shows that the percentage of recruitment is too inadequate. We do not also say that 33-1|3 per cent. should be a fixed percentage. When it has been laid down specifically in the Act that all officers shall be appointed by commission granted by the President, if you put down a limit that not more than one-third shall be from the lower ranks, there will be no difficulty at all for the Government. I fail to understand the serious difficulty in which the Government would be put. The only reasonable reply to this would be this. Suppose at this time it will not be possible for us to get 33-1|3 per cent. of the total number of officers adequately qualified. Then, there is some reason. But it is impossible that such a situation should arise. Therefore, in the interest of morale and in the interest of discipline and in the interest of the good working of the Navy and in the interest of telling our own ranks that justice is being done to them and that merit shall be the only consideration for getting higher appointments in our Armed Services and also telling them to put confidence on the point that if they work properly as a good rating, tomorrow or the day after they will be rewarded by promotion, it should be done. Unless you are able to tell them and show them and instil in them so much confidence, unless they are assured of their reward for good conduct and good behaviour, a sort of stagnation will come and that will be injurious to discipline and good work in the Navy. Therefore, to ask them to put in so much confidence in the name of efficiency, this statutory guarantee should be given to the ratings. I hope the hon. Deputy Minister will not, in the circumstances, grudge to prescribe the statu-

tory limit so that promotions from the ranks will not be below that percentage.

Mr. Chairman: Amendments moved:

(i) **Page 6—**

after line 32, *add*:

"Provided that one-third of the total appointment of officers shall be made by grant of commissions to persons who are enrolled in the Indian Navy."

(ii) **Page 6,—**

after line 37, *add*—

"Provided that half of such appointments shall be made by promotions."

Shri Raghuramaiah: I see that my friend is not saying that there should be no limit at all. Only he wants 33 ⅓ per cent or so. Any figure can be argued as arbitrary whether it is 12 or 13 or 30 or 40. Government are in a position to know the sources of recruitment, the requirements of the services and other factors. It should, I submit, be left to the Government as a matter of policy to decide in this matter because they are the best judges. We have also to bear in mind the repurcussions of this on other branches of the Services and so on. I have already mentioned the requirement of bringing in fresh blood at every stage of the administration. I may assure my friend that the Government are no less solicitous for the welfare of various categories of persons. They are very anxious. I am sure if it is left to them they will do very well. I oppose the amendments.

Mr. Chairman: I shall now put amendments Nos. 10 and 11 to the vote of the House.

The question is:

Page 6—

after line 32, *add*:

"Provided that one-third of the total appointment of officers shall be made by grant of commissions to persons who are enrolled in the Indian Navy."

The motion was adopted.

Mr. Chairman: The question is:

Page 6—

after line 37, *add*—

"Provided that half of such appointments shall be made by promotions."

The motion was negatived.

Mr. Chairman: The question is:

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Clause 11—(*Enrolment*)

Shri Narayanankutty Menon: Sir, I beg to move:

Page 7—

after line 18, *add:*

"Provided that any person enrolled during his minority shall have the option to get himself discharged within three months of his attaining majority. The age of majority for the purpose of this proviso is 18 years of age."

In this also, Sir, the question of broad principle comes in. In the Navy the minimum age for recruitment is 15. The Indian Majority Act, which reflects the wisdom of the Parliament, says that a person acquires his majority only at the age of 18, and the experts on biology, physiology and psychology tell us that a person will be in his adolescent stage till he attains the age of 18 or 19. It is very good that boys are recruited at the age of 15 in their formative period so that very good training may be given to them.

[Shri Narayanankutty Menon]

By this amendment we only say that if boys are recruited at the age of 15, when they aquire their majority, immediately within three months after their acquiring the age of majority there should be option given to them to leave the service if they so desire. There is no right of resignation, and quite rightly so. When people are recruited to Armed Forces it is not possible to give any right of resignation. But in this particular case, when boys join the Navy without taking all factors into consideration, when they acquire the age of majority within three months of their attaining the age of 18, certainly they should be given the option to opt out.

If this right is given to them there will not be any serious danger of many people utilising this opportunity of resigning from the Navy and going away. At the same time, it will be an outlet for those people, a very minority of them, who may feel a bit discontent or unsuitable to the situation and who are not able to adjust themselves to the new situation in the Armed Forces. When they become 18, when they begin to see more things in the world which they did not see at the age of 15, when they begin to understand things more clearly which they could not do at the age of 15, if they feel they should go out of the Navy, what is the heavenly use of compelling them inside the Armed Forces? It would only be a breeding ground of indiscipline and discontent. A large majority of them may get themselves accustomed to the new discipline in the Armed Forces and they may be proud soldiers, but a minority, may be on psychological grounds, may find it impossible of adjustment to new environments. If they feel that they should go out there should be an outlet provided for them to go out. If you retain them they will not be an asset to the Armed Forces; they will prove to be a danger.

Therefore, this option of opting out or resigning from service within three months of attaining the age of 18 should be there.

Another point is that no principle is sacrificed. No rating becomes a full-fledged member of the Armed Force before he attains the age of 18. Only three months time is given. No right of automatic resignation is given here. It is only the trainees who are given the option at the close of their training, when they attain the majority age and just before they become full-fledged members of the Armed Forces. Whether it is 17½ or 18 when a recruit becomes a regular member of the Armed Forces, I am not quite sure, and I may be corrected if I am wrong. So, I submit, if there is any mistake in that, it may be brought down to 17½. That point where a trainee is made a regular member of the armed forces should be the crucial point where the trainees should be given the option, if he does not like to continue in the armed forces, to resign and go away.

Mr. Chairman: Amendment moved:

Page 7—

after line 18, *add*—

"Provided that any person enrolled during his minority shall have the option to get himself discharged within three months of his attaining majority. The age of majority for the purpose of this proviso is 18 years of age."

Shri Easwara Iyer: Regarding this amendment, I would like to say a few words. Apart from the purely legal aspect of the matter, apart from the binding nature of a contract entered into by a minor with respect to navy matters, there is always the human aspects. This is a case where there is no minimum age prescribed in this enactment when a minor could go and join the navy. He may be five or six or ten years. We all know from our laws which have been very ancient ones—the Hindu Law, the

Indian Law of Contracts, etc.,—that a consenting mind is necessary so far as any branch of law is concerned. Let it *be marriage laws* or contract laws— the person must be *sui gueris*. The Hindu law provided for it; the *Smrithis* and the *Sruthis* provided for that.

There is an occasion when, for instance, a child quarrels with his parents and due to some irresistible impulse, goes and joins the navy just to spite his parents. Of course, there is always the case where he could go and join the navy. He might receive training and it is well and good for the country. But later on, he must have the *locus penitentiae* for he may regret it. Then, to say that he is bound by the terms of the enrolment because this law has put down in writing that even though he may be five years or ten years, it must be binding on him, is something really hard, particularly taking into consideration the human aspect of the things.

No civilised country could insist that a minor who has joined the navy without having that maturity of mind, and who afterwards regrets it, cannot have the option or the election to get away from it. So, I would commend to the hon. Minister to bestow some anxious attention upon this matter as to whether a minor, who has joined the navy when he was of immature age, and who regrets it , afterwards on attaining majority, should not get back from the binding nature of the contract by resignation. There is nothing lost in that. The country is not losing. His training is there. And in case of emergency, if his services are necessary, the laws of conscription come in and his training will be as much useful to the country at any other time. I would request the hon. Minister once more to have anxious consideration to this matter.

Shri Raghuramaiah: May I submit that friends who have spoken just now have probably overlooked the fact that since this clause was considered, a new clause has been inserted, giving the right to seamen also to claim discharge, subject to acceptance by the prescribed officer. So, it is not as though there is no chance at all for a man who gets in, to get out.

Shri Easwara Iyer: You still refuse to release him.

Shri Raghuramaiah: Even as the clause as it now stands, it does enable a person who has been enrolled to claim discharge on grounds of any illegality or irregularity in his enrolment within a period of three months.

One of the hon. Members pointed out the possibility of a young man rushing into the service without the permission of his parents and in a spirit of bravado. I may mention to him that in all cases of enrolment, the consent of the parents is necessary. It is in the forms that are prescribed under the regulations. So, the possibility of a young man dashing into the service dashing out of the house is not at all there. What is more where there is an illegality or irregularity or that sort of thing, there is the right under clause 12 to claim discharge. I suppose it is not the hon. Member's intention that for a period of two years, the Government should give the training and all the training should be wasted. That would be the result of accepting this amendment, if we have to wait till the young man attains the age of 18 years and three months more. Suppose he had entered into service at the age of 15. The young man would have been trained a period of three years and that valuable training would be wasted.

17 hrs.

In any case, as I mentioned, at the time when this came up last time before the House, there was no enabling provision seamen also to claim discharge. But now the Joint Committee had inserted the provision.

[Shri Raghuramaiah]

This alters the position. So, for the reasons I have mentioned, the amendment cannot be accepted.

Mr. Chairman: I shall now put amendment No. 12 to the vote of the House.

The question is:

Page 7—

after line 18, *add*—

"Provided that any person enrolled during his minority shall have the option to get himself discharged within three months of his attaining majority. The age of majority for the purpose of this proviso is 18 years of age."

The motion was negatived.

Mr. Chairman: The question is:

"That clause 11 stand part of the Bill".

The motion was adopted.

Clause 11 was added to the Bill.

Mr. Chairman: The House stands adjourned till 11 A.M. tomorrow.

17-01 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, the 20th November, 1957.

[Tuesday, 19th November, 1957]

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PAPERS LAID ON THE TABLE 1222—24

The following papers were laid on the Table:

(1) A copy of each of the two Notifications, extending the provisions of the Employees' Provident Fund Act, 1952 to Industrial and Power Alcohol and Asbestos Cement Sheets industries and Coffee Curing Establishments with effect from the 30th November, 1957.

(2) A copy of each of the three Notifications making certain further amendments to the Employees' Provident Fund Scheme, 1952.

(3) A copy of the Report of the Foodgrains Enquiry Committee.

(4) A copy of the Punjab Regional Committees Order, 1957.

(5) A copy of the Territorial Councils Rules, 1957.

(6) A copy of the Notification No. S. R. O. 2776, dated the 29th August, 1957, making certain amendments to the Central Advisory Council (Procedural) Rules, 1952.

(7) A copy of each of the following papers under sub-section (2) of Section 16 of the Tariff Commission Act, 1951.—

Subject COLUMNS

(i) Report (1957) of the Tariff Commission on the continuance of protection to the Stearic Acid and Oleic Acid Industry.

(ii) Government Resolution No. 2 (2) TR/57, dated the 9th November, 1957

(iii) Report (1957) of the Tariff Commission on the continuance of protection to the Automobile Leaf Spring Industry.

(iv) Government Resolution No. 21 (6) TR/57, dated the 9th November, 1957.

(v) Report (1957) of the Tariff Commission on Continuance of protection to the Cotton Textile Machinery (Spinning ring) frames, spindles, spinning ring, Fluted rollers and Looms Industry.

(vi) Government Resolution No. 18 (5) TR/57, dated the 15th November 1957.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE . 1224—27

Shri S.M.Banerji called the attention of the Minister of Railways to the explosion at Lakhiseral Railway Station on the 16th November 1957. The Deputy Minister of Railways (Shri Shahnawaz Khan) made a statement in regard thereto.

BILL UNDER CONSIDERATION . . . . . 1227—1340

Further discussion on the motion to consider the Navy Bill, as reported by the Joint Committee continued. The motion for consideration was adopted and clause by clause consideration was taken up. Clauses 2 to 11 were adopted. Clause-by-clause consideration was not concluded.

AGENDA FOR WEDNESDAY, 20TH NOVEMBER 1957

Discussion on the Motion regarding Second Five Year Plan in relation to current economic situation.